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No. 34] NEW DELHI, AUGUST 20—AUGUST 26, 2006, SATURDAY/SRAVANA 29—BHADRA 4, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 17 अगस्त, 2006

का.आ. 3351.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80 प्रतिशत से अधिक हो जाने के फलस्वरूप उन्हें एतद्द्वारा अधिसूचित करती है।

- (1) कार्यालय कमाण्डेंट—164 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
- (2) कार्यालय कमाण्डेंट—172 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
- (3) कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, लखनऊ (उत्तर प्रदेश)।
- (4) कार्यालय कमाण्डेंट—148 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
- (5) कार्यालय कमाण्डेंट—161 बटालियन, केन्द्रीय रिजर्व पुलिस बल।
- (6) कार्यालय कमाण्डेंट—162 बटालियन, केन्द्रीय रिजर्व पुलिस बल।

[सं. 12017/1/2004-हिन्दी]

प्रेम सागर, उप सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th August, 2006

S.O. 3351.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80%.

- (1) Office of the Commandant—164 Battalion, Central Reserve Police Force.
- (2) Office of the Commandant—172 Battalion, Central Reserve Police Force.
- (3) Office of the Dy. Inspector General of Police, Central Reserve Police Force, Lucknow (UP).
- (4) Office of the Commandant—148 Battalion, Central Reserve Police Force.
- (5) Office of the Commandant—161 Battalion, Central Reserve Police Force.
- (6) Office of the Commandant—162 Battalion, Central Reserve Police Force.

[No. 12017/1/2004-Hindi]

PREM SAGAR, Dy. Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 7 अगस्त, 2006

का. आ. 3352.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय अन्वेषण ब्यूरो के रिटेनर कार्डसेल श्री कुमार लोसो जॉन, अधिवक्ता, नागालैंड की कोहिमा (नागालैंड) और इम्फाल (मणिपुर) स्थित गुवाहाटी उच्च न्यायालय की न्यायपीठों में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपराधों, पुनरीक्षणों अथवा अन्य विषय का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/51/2005-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 7th August, 2006

S. O. 3352.—In exercise of the powers conferred by the provisions of Sub-section (3) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Kumar Loso John, Advocate, Nagaland Retainer Counsel of the Delhi Special Police Establishment in the Kohima (Nagaland) and Imphal (Manipur) Benches of Guwahati High Court as Special Public Prosecutor for conducting prosecution, appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment.

[No. 225/51/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 14 अगस्त, 2006

का. आ. 3353.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य सरकार गृह (पुलिस) अनुभाग-12 की अधिसूचना सं. पीजी-533/6-पी-12-05-2(3) डी/2004 दिनांक 8 दिसम्बर, 2005 द्वारा प्राप्त सहमति से आगरा, उत्तर प्रदेश में 6/7-01-2004 की रात में प्रश दुबे पुत्र श्री हरिद्वार दुबे की हत्या के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 147, 148, 149, 307 और 506 के अधीन पुलिस स्टेशन राकाबगंज, जिला आगरा, उत्तर प्रदेश में दर्ज अपराध सं. 7/2004 दिनांक 7 जनवरी, 2004 का और उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्परणों और पहचान तथा उसी संभवतः के अनुक्रम में किए गए अथवा नहीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/69/2005-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 14th August, 2006

S. O. 3353.—In exercise of the powers conferred Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh Grih (Police) Anubhag-12 vide Notification No. PG-533/VI-P-12-05-2(3) D/2004 dated 8th December, 2005, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of Crime No. 07/2004 dated 7th January, 2004 registered at Police Station Rakabganj, District Agra, Uttar Pradesh under section 147, 148, 149, 307 and 506 of the Indian Penal Code, 1860 (Act No. 45 of 1860) relating to murder of Pransh Dube son of Shri Haridwar Dube in the night of 6/7-01-2004 at Agra, Uttar Pradesh and attempts, abetments and conspiracy in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/69/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

शुद्धि-पत्र

नई दिल्ली, 14 जुलाई, 2006

का.आ. 3354.—भारत के राजपत्र के भाग II, खण्ड-3, उप-खण्ड (ii) में दिनांक 12-6-2006 को प्रकाशित, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग की दिनांक 12-6-2006 की असाधारण अधिसूचना सं. का.आ. 877 (अ) में आंशिक संशोधन करते हुए, पृष्ठ 2, पंक्ति संख्या 4 में, नए समामेलित क्षेत्रीय ग्रामीण बैंक का नाम एमजीबी ग्रामीण बैंक (मारवाड़ गंगानगर बीकानेर ग्रामीण बैंक) पढ़ा जाए।

[सं. 1/4/2006-आरआरबी]

एम. के. मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

CORRIGENDUM

New Delhi, the 14th July, 2006

S.O. 3354.—In partial modification of Ministry of Finance, Department of Economic Affairs, Banking Division's Extraordinary notification No. S.O. 877(E) dated 12-6-2006 published in the Gazette of India Part II, Section-3 Sub-section (ii) dated the 12-6-2006 wherein at line number 18, page 5, the name of new amalgamated RRB may be read as MGB Gramin Bank (Marwar Ganganagar Bikaner Gramin Bank).

[F.No. 1/4/2006-RRB]

M. K. MALHOTRA, Under Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 18 अगस्त, 2006

(आयकर)

का.आ. 3355.—आयकर अधिनियम की धारा 194क की उपधारा (3) के खंड (iii) के उप-खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "पावर फाइनेंस कारपोरेशन लिमिटेड, नई दिल्ली" को उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 211/2006/फा. सं. 275/14/2006-आयकर (बजट)]

आनन्द झा, निदेशक (बजट)

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 18th August, 2006

Income-Tax

S.O. 3355.—In exercise of the powers conferred by Sub-clause(f) of Clause (iii) of Sub-section (3) of Section 194A of the Income Tax Act, the Central Government hereby notifies the Power Finance Corporation Limited, New Delhi, for the purpose of said sub-clause.

[No. 211/2006/F.No. 275/14/2006-IT(B)]

ANAND JHA, Director (Budget)

विद्युत मंत्रालय

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3356.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, पावरग्रिड कारपोरेशन ऑफ इंडिया लि. गुडगांव के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है ;

1. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
पारेषण लाइन अनुरक्षण कार्यालय,
पूर्वी क्षेत्र पारेषण लाइन-1,
सी-27/210 ए, कैलगढ़ हाउस,
जगतगंज, वाराणसी-221 002, उ. प्र.
2. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
उप पारेषण कार्यालय,
नया बाजार, नरियार मार्ग,
सहरसा-852 201 (बिहार)
3. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
सलाल पारेषण प्रणाली,
नरवाल बाला, बाई पास रोड,
जम्मू
4. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
पारेषण लाइन कार्यालय, बटोत,
होटल हिल व्यू के पीछे,
जिला डोडा (जम्मू व कश्मीर)
5. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.,
दक्षेपात्र-2, क्षेत्रीय मुख्यालय,
32, रेसकोर्स रोड,
बैंगलूर-560 001

[सं. 11017/2/2006-हिन्दी]

हरीश चन्द्र, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 3rd August, 2006

S.O. 3356.—In pursuance of Sub-rule (4) of Rule 10 of the Official Languages (use for official purposes of the union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of Powergrid Corporation of India Ltd., Gurgaon, the staff whereof have acquired 80% working knowledge of Hindi :—

1. Powergrid Corporation of India Ltd.,
Transmission line maintenance office,
Eastern Region Transmission System-I
C-27/210-A, Kailgarh House,
Jagatganj, Varanasi-221 002, U.P.
2. Powergrid Corporation of India Ltd.,
Sub Transmission office,
Naya Bazar, Nariyar Road,
Saharsa-852 201 (Bihar)
3. Powergrid Corporation of India Ltd.,
Salal Transmission system,
Narwal Bala, Bye Pass Road,
Jammu.
4. Powergrid Corporation of India Ltd.,
Transmission Line Office, Batote,
Behind Hotel Hill View,
Distt. Doda (J&K)
5. Powergrid Corporation of India Ltd.,
SRTS-II, Regional HQ,
32, Race Course Road,
Bangalore-560 001.

[No. 11017/2/2006-Hindi]

HARISH CHANDRA, Jt. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 4 अगस्त, 2006.

का.आ. 3357.—इस मंत्रालय की दिनांक 5 फरवरी, 2005 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार श्री दिलीप चेरियन को तत्काल प्रभाव से और अगले आदेशों तक केंद्रीय फिल्म प्रमाणन बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/12/2003-एफ (सी)]

पी. सी. तंवर, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 4th August, 2006

S.O. 3357.—In continuation of this Ministry's Notification of even number dated 5th February, 2005 and in exercise of powers conferred by Sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with Rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Dilip Cherian as a member of the Central Board of Film Certification with immediate effect and until further orders.

[F. No. 809/12/2003-F(C)]

P. C. TANWAR, Director (Films)

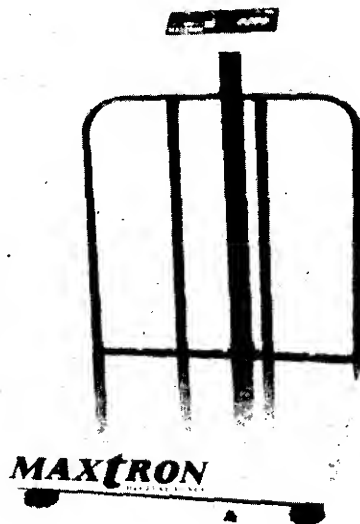
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 3 अगस्त, 2006

का. आ. 3358.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैक्सट्रॉन इन्स्ट्रूमेंट्स, 115, शिवपुरी, दिल्ली-110051 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'एम आई पी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'मैक्सट्रॉन' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/371 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(115)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 3rd August, 2006

S.O. 3358.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing Instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "MIP" and with brand name "MAXTRON" (hereinafter referred to as the said model), manufactured by M/s. Maxtron Instruments, 115, Shivapuri, Delhi-110051 and which is assigned the approval mark IND/09/06/371;



The said model is strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

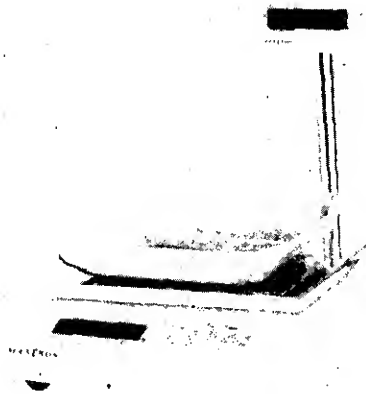
[F.No. WM-21(115)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 3 अगस्त, 2006

का. आ. 3359.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैक्स्ट्रान इन्स्ट्रुमेंट्स, 115, शिवपुरी, दिल्ली 110051 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “एम आई टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘मैक्स्ट्रान’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/370 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

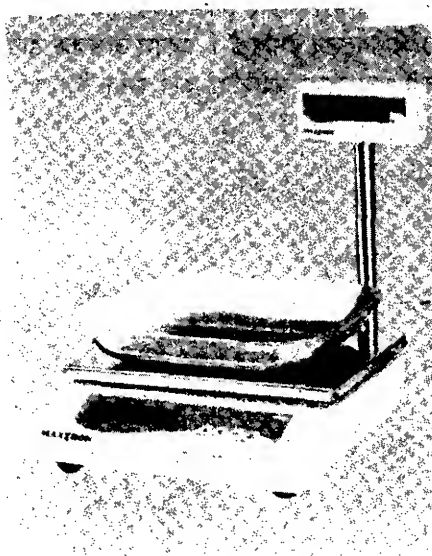
[फा. सं. डब्ल्यू एम-21(115)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd August, 2006

S.O. 3359.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing Instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "MIT" and with brand name "MAXTRON" (hereinafter referred to as the said model), manufactured by M/s. Maxtron Instruments, 115, Shivapuri, Delhi-110 051 and which is assigned the approval mark IND/09/06/370:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc., before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(115)/2006]

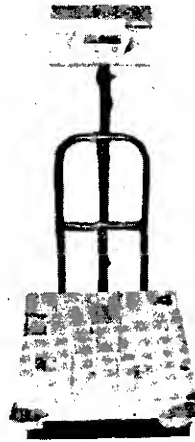
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 अगस्त, 2006

का. आ. 3360.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नैनो-टैक इंस्ट्रुमेंटेशन, 6/192, प्रकाश नगर, बोडला रोड, शाहगंज, आगरा, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'एन टी पी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नैनोटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/236 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(58)/2006]

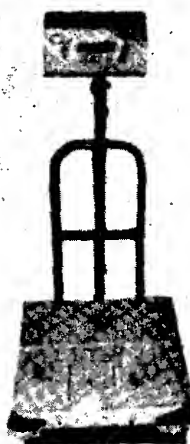
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th August, 2006

S.O. 3360.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "NTP" of series of medium accuracy (Accuracy class-III) and with brand name "NANOTECH" (hereinafter referred to as the said model), manufactured by M/s. Nano-Tech. Instrumentation, 6/192, Parkash Nagar, Bodla Road, Shahganj, Agra, U.P. and which is assigned the approval mark IND/09/06/236;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity above 50 kg. and up to 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(58)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 अगस्त, 2006

का. आ. 3361.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेदरानिक्स कंट्रोल, नं. 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल काम्प्लैक्स, आई बी एस मार्ग, विखरौली (वैस्ट), मुंबई-400083 महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'एच ए' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम 'वेदरानिक्स' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/374 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों के संबंध पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 150,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

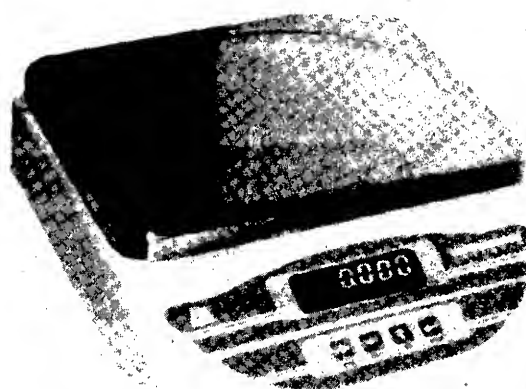
[फा. सं. डब्ल्यू एम-21(132)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th August, 2006

S.O. 3361.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing Instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "HA" and with brand name "WEIGHTRONIX" (hereinafter referred to as the said model), manufactured by M/s. Weightronix Controls, No.16, Hindustan Kohinoor Industrial Complex, I.B.S. Marg, Vikhroli (W), Mumabi-400083, Maharashtra and which is assigned the approval mark IND/09/06/374;



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(132)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 4 अगस्त, 2006

का. आ. 3362.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एस्से टेराओका लिमिटेड, नं. 377/22, छठा क्रास, विलसन गार्डन, बंगलौर-560027-कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'डीसी-300' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'डिगी' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/203 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



DC - 300

उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 2.5 कि.ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि संबंध में नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(17)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th August, 2006

S.O. 3362.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DC-300" series of medium accuracy (Accuracy class-III) and with brand name "DIGI" (hereinafter referred to as the said model), manufactured by M/s. Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangloré-560 027, Karnataka and which is assigned the approval mark IND/09/06/203;



DC - 300

The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 2.5 kg. and minimum capacity of 10g. The verification scale interval (e) is 500mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply. The said model is also having facility for piece counting.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the power conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

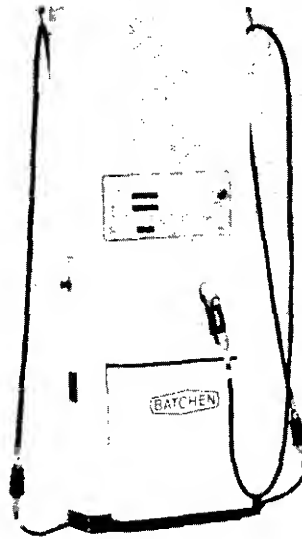
[F.No. WM-21(17)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3363.—केन्द्रीय सरकार का, नेशनल मेजरमेंट इन्स्टीट्यूट (जिसे पहले नेशनल स्टैंडर्ड कमीशन कहा जाता था), 12 लैयान पार्क रोड, नार्थ रेड एन एस डब्ल्यू 2113, आस्ट्रेलिया के विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट और अनुमोदन प्रमाण-पत्र संख्या 10/1/20 दिनांक 10 दिसम्बर, 2001 जिसे दिनांक 16 सितम्बर, 2002 को उक्त संस्था द्वारा जारी किए गए संशोधन द्वारा प्रतिस्थापित किया गया था, पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डी जे बेटचेन प्रा. लिमिटेड, 2-6 रागलान रोड, एयूबर्न 2144, एन एस डब्ल्यू आस्ट्रेलिया द्वारा विनिर्मित 'सी-II एस-ई ई-पी ए' सी-II- डी ई ई-पी ए डेजीगनेशन और श्रृंखला के एल पी जी फ्यूल डिस्पेंसर के माडल को जिसे भारत में कोई परिवर्तन/परिवर्धन किए बिना मैसर्स लारसेन एंड टूबो लिमिटेड, पी डी पी-पोवई वर्क्स, (वेस्ट) साकी विहार रोड, अंधेरी (ईस्ट) मुंबई-400072 द्वारा बेचा जा रहा है, और जिसे अनुमोदन चिह्न आई एन डी/13/06/277 समनुदेशित किया गया है ;



इस मॉडल को ओ आई एम एल आर 117 श्रेणी के अंतर्गत चिन्हित किया जा सकता है। यह पानी के अतिरिक्त अन्य तरल पदार्थों को मापने में काम आता है। यह मोटर वाहनों में ईंधन भरने के लिए एक एल पी जी डिस्पेंसर है जो अटैण्ड-आपरेटेड है। इसके द्वारा मापी जाने वाली न्यूनतम मात्रा 2 लीटर है। आपरेटिंग दबाव कम से कम 200 के पी ए, एल पी जी के वाष्पीकरण दबाव समत्व से अधिक तथा अधिकतम 2450 के पी ए आपरेटिंग दबाव तक बनाए रखा जाता है। इसे एल पी जी के घनत्व दर 505 के जी/एम³ से 570 के जी/एम³, 15 डिग्री सेंटीग्रेट के लिए अनुमोदित किया गया है। इसका यथार्थता वर्ग 1.0 तथा पर्यावरण वर्ग सी है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को भारत में उसकी बिक्री से पूर्व अथवा बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित/परिवर्धित नहीं किया जाएगा।

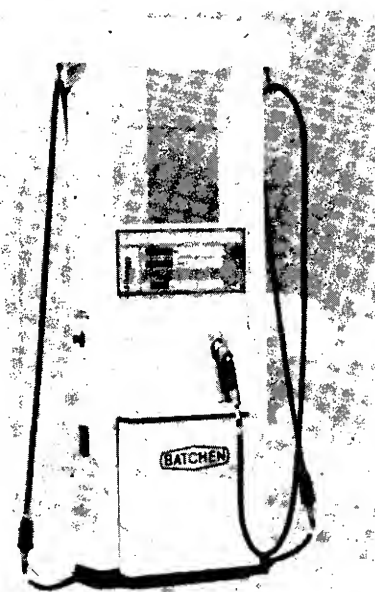
[फा. सं. डब्ल्यू एम-21(42)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3363.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Certificate of Approval Number 10/1/20 dated 10 December, 2001 superseded by Revision 1 dated 16 September, 2002 issued by the National Measurement Institute (formerly the National Standards Commission), 12 Lyonpark Road, North Ryde NSW 2113, Australia; is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves issues and publishes the certificate of approval of model of LPG Fuel Dispensers of designation and series 'CII-SEE-PA' and 'CII-DEE-PA', manufactured by M/s. D.J. Batchen Pty. Limited, 2-6, Raglan Road, Auburn 2144, NSW, Australia and marketed in India by M/s. Larsen & Toubro Limited, PDP-Powai Works (West), Saki Vihar Road, Andheri (East), Mumbai 400 072 and which is assigned the approval mark IND/13/06/277 ;



The said model may be identified under category OIML R 117 describing 'Measuring systems for Liquid other than water'. It is an attendant-operated LPG dispenser for refueling motor vehicles. The minimum measured quantity is 2 litre. Maximum flow rate is 60 litre per minute and minimum flow rate is 10 litre per minute. Operating pressure is maintained at least 200 kPa above the equilibrium vapour pressure of LPG and maximum operating pressure is 2450 kPa. It is approved for LPG density range 505 kg/m³ to 570 kg/m³ at 15° C. The Accuracy class is 1.0 and the Environment Class C.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. or alteration of any other type before or after sales in India.

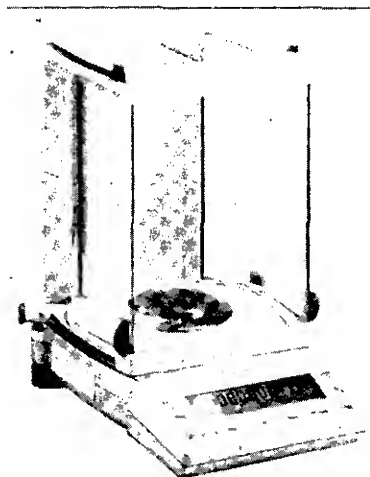
[F.No. WM-21(42)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3364.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैंड मीटिनस्टीट्यूट (एन एम आई) नीदरलैंड द्वारा जारी माडल अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रेसिसा इंस्ट्रूमेंट एंजिनीयर्स प्राइवेट लिमिटेड, 32, सी एच 8953, डाइटीकॉन, स्वीटजरलैंड द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग I) के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का जिसके ब्रांड का नाम 'प्रेसिसा इंस्ट्रूमेंट एंजिनीयर्स', है और '320 x आर' प्रकार का है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे भारत के मैसर्स जय इंस्ट्रूमेंट एंड सिस्टम प्राइवेट लि. सी-64, टी टी सी इंडस्ट्रीयल एरिया, तुराभि, जिला थाणे, नवी मुम्बई-400705, महाराष्ट्र को बिना किसी परिवर्तन या परिवर्धन के बेचा गया है, और जिसे अनुमोदन चिह्न आई एन डी/13/05/975 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त माडल इलेक्ट्रॉनिक और भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता ≥ 1 मि.ग्रा. के लिए 50 ग्रा. \leq मैक्स ≤ 205 ग्रा. और एन ≤ 205000 प्रभाग है। इसमें एक व्यवकलनात्मक धारित आधेयतुलन युक्ति है। उपकरण 12 वोल्ट डी सी धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

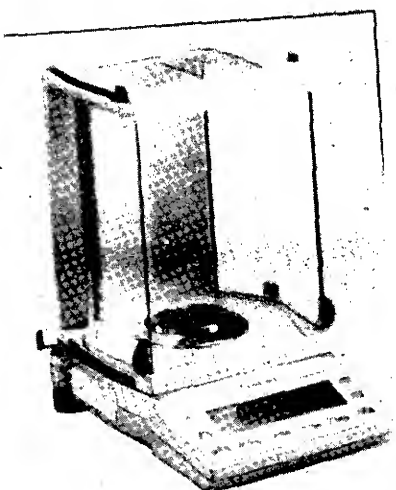
[फा. सं. डब्ल्यू एम-21(275)/2005]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3364 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Netherlands Meetinstiut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy class (Accuracy class-I) and of type '320 x R' with brand name 'Precisa Instruments AG' and manufactured by M/s. Precisa Instruments AG, Moosmattstrasse 32, CH8953 Dietikon, Switzerland and sold in India without any alteration or additions by M/s. Jay Instrumented & Systems Pvt. Ltd., C-64, TTC Industrial Area, Turbhe, District-Thane, Navi Mumbai-400705, Maharashtra and which is assigned the approval mark IND/13/05/975;



The said model is an electronic and load cell based non-automatic weighing instrument (Table top type) with maximum capacity of $50g \leq \text{Max} \leq 205g$ for $e \geq 1mg$ and $n \leq 205000$ divisions. It has a subtractive retained tare device. The instrument operates on 12 Volts, DC power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

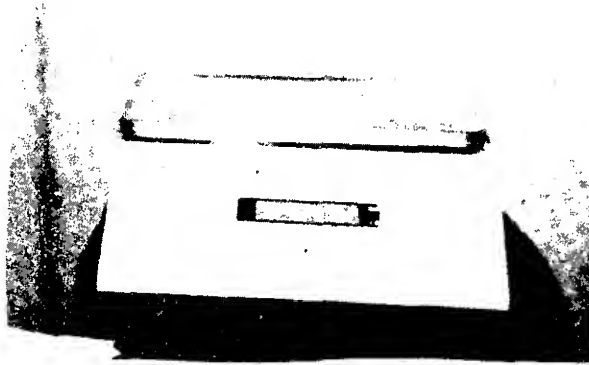
[F.No. WM-21(275)/2005]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का.आ. 3365.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स व्हे इंडिया कम्पनी, बी-62, बुद्ध कालोनी के सामने, पटना-800001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'डब्ल्यू आई टी' श्रृंखला के डियुल रेंज सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'विकॉम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है), और जिसे अनुमोदन चिह्न आई एन डी/09/06/364 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

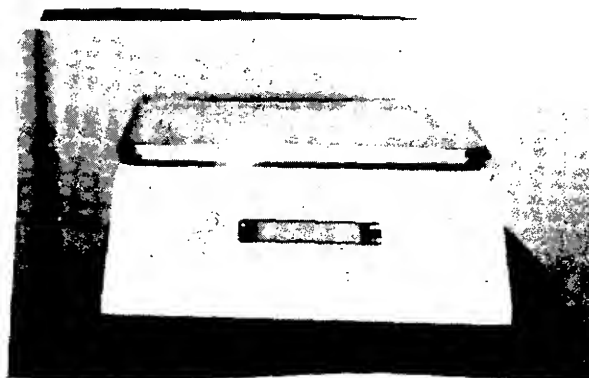
[फा. सं. डब्ल्यू एम-21(85)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3365.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument with dual range (Table top type) with digital indication of medium accuracy (accuracy class-III) of series-WIT and with brand name "WICOM" (hereinafter referred to as the said Model), manufactured by M/s. Weigh India Company, Opp. B-62, Budha Colony, Patna-800001, and which is assigned the approval mark IND/09/06/364.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode indicates the weighing results. The instrument operates on 230Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

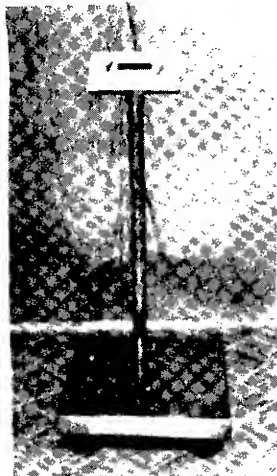
[F.No. WM-21(85)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का.आ. 3366.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स व्हे इंडिया कम्पनी, बी-62, बुद्ध कालोनी के सामने, पटना-800001 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'डब्ल्यू आई पी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम 'विकॉम' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/365 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

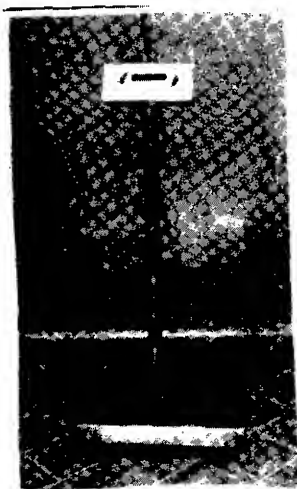
[फा. सं. डब्ल्यू एम-21(85)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3366.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing Instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "WIP" with brand name "WICOM" (hereinafter referred to as the said model), manufactured by M/s. Weigh India Company, Opp. B-62, Budha Colony, Patna-800001, and which is assigned the approval mark IND/09/06/365;



The said model is strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 1,000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing results. The instrument operates on 230Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50kg and upto 5,000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

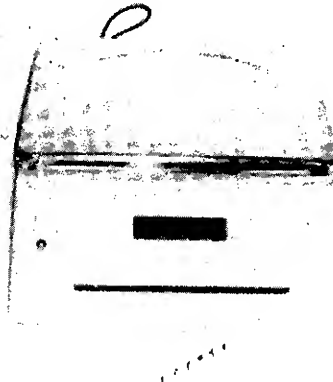
[F.No. WM-21(85)/2006]

R. MATHURBOOTHAM, Director, Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3367.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एबटैक् स्केल्स, 2/41, मोगाप्येयर ईस्ट, चेन्नई-600037, तमिलनाडु द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'ए एस जे प्री' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम 'एबटैक' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/257 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और उक्त मॉडल को उसकी बिक्री से पूर्व अथवा बाद में सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन अन्तराल (एन) और 100 ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

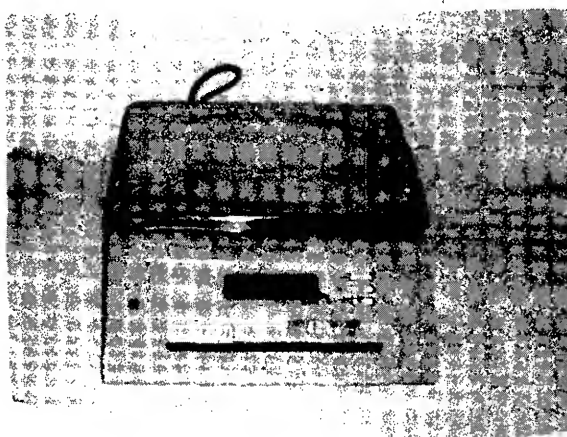
[फा. सं. डब्ल्यू एम-21(83)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3367.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "AS-JP" and with brand name "ABTECH" (hereinafter referred to as the said model), manufactured by M/s. Abtech Scales, # 2/41, Mogappair East, Chennai-600037, Tamil Nadu and which is assigned the approval mark IND/09/06/257;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

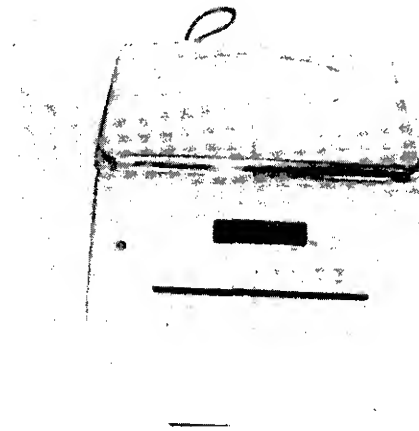
[F.No. WM-21(83)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3368.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एबटैक् स्केल्स, 2/41, मोगाप्येय ईस्ट, चेन्नई-600037, तमिलनाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'ए एस टी बी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम 'एबटैक' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/258 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और उक्त मॉडल को उसकी बिक्री से पूर्व अथवा बाद में सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

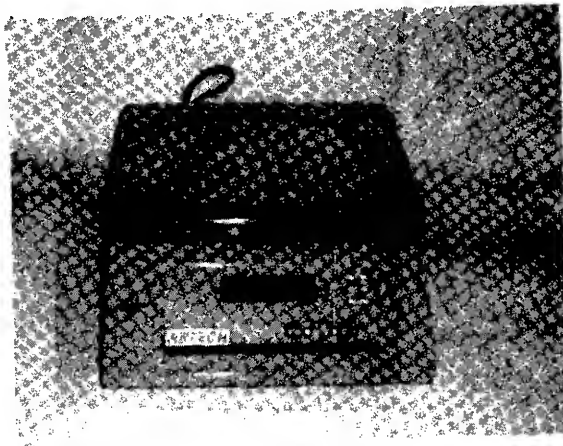
[फा. सं. डब्ल्यू एम-21(83)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3368.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series "AS-TB" and with brand name "ABTECH" (hereinafter referred to as the said model), manufactured by M/s. Abtech Scales, # 2/41, Mogappair East, Chennai-600037, Tamil Nadu and which is assigned the approval mark IND/09/06/258:



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

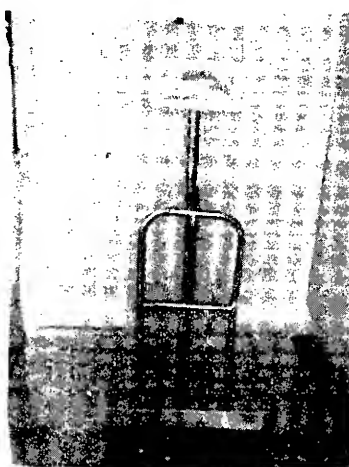
[F.No. WM-21(83)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3369.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एबटैक स्केल्स, 2/41, मोगापेयर ईस्ट, चेन्नई-600 037, तमिलनाडु द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले 'एसपीफ' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम 'एबटैक' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/259 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

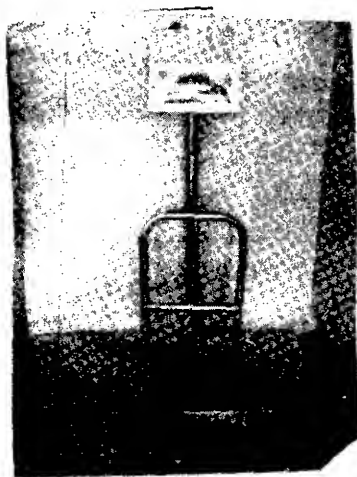
[फा. सं. डब्ल्यू एम-21(83)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3369.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing Instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "AS-PF" and with brand name "ABTECH" (hereinafter referred to as the said model), manufactured by M/s. Abtech Scales, # 2/41, Mogappair East, Chennai-600037, Tamil Nadu and which is assigned the approval mark IND/09/06/259;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

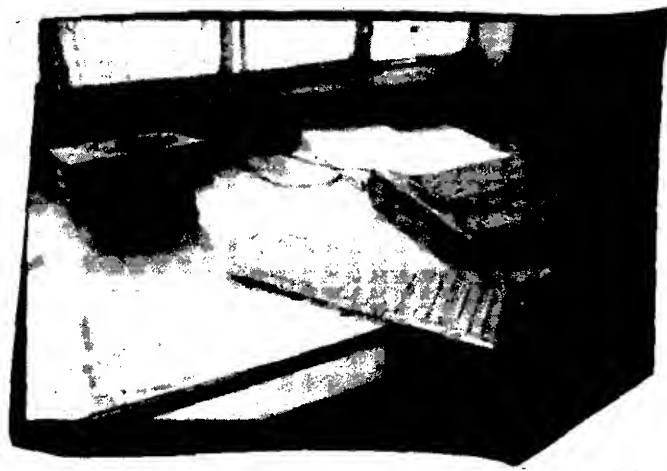
[F.No. WM-21(83)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3370.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हिन्दुस्तान स्केल्स, नं. 11/69, ग्वालदोली, कानपुर-208001, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "वीईडब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम 'वीनस' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/320 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

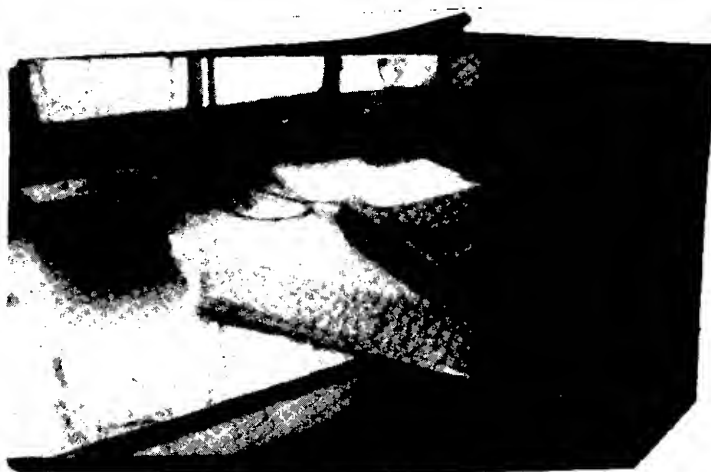
[फा. सं. डब्ल्यू एम-21(69)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3370.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "VEW" and with brand name "VENUS" (hereinafter referred to as the said model), manufactured by M/s. Hindustan Scales, No. 11/69, Gwaltoli, Kanpur-208 001, Uttar Pradesh and which is assigned the approval mark IND/09/06/320;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

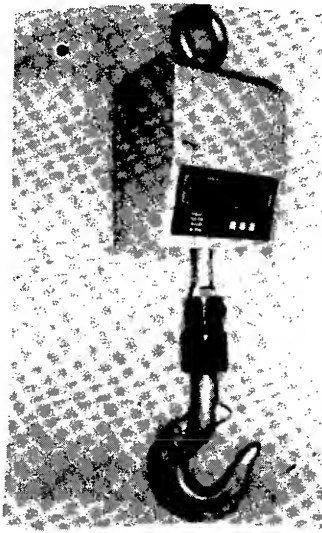
[F.No. WM-21(69)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 11 अगस्त, 2006

का. आ. 3371.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दीप मार्केटिंग, ए/2, शगुन फ्लैट्स नजदीक कासमोविला रॉ हाऊस, प्रेमचन्द नगर रोड, सैटलाइट, अहमदाबाद-380015, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डी डब्ल्यू सी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का जिसके ब्रांड का नाम “डिगी व्हे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आईएनडी/09/2006/375 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (क्रेन प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10,000 कि.ग्रा. और न्यूनतम क्षमता 20 कि.ग्रा. है। सत्यापन मापमान अंतराल 1 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को उसकी बिक्री से पूर्व अथवा बाद में उसकी यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन आदि की शर्तों पर परिवर्तित/परवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 5 टन से अधिक और 30 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

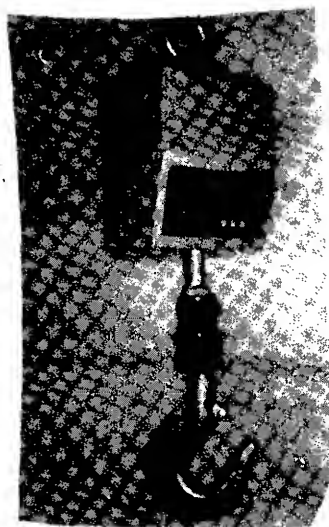
[फा. सं. डब्ल्यू एम-21(110)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2006

S.O. 3371 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing Instrument (Crane type) with digital indication of medium accuracy (Accuracy class-III) of series "DWCI" and with brand name "DIGI-WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Deep Marketting, A/2, Shagun Flats, Near Cosmovilla Row House, Premchandra Nagar Road, Satellite, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/375;



The said model is strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 10,000 kg. and minimum capacity of 20 kg. The verification scale interval (e) is 1 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 30 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

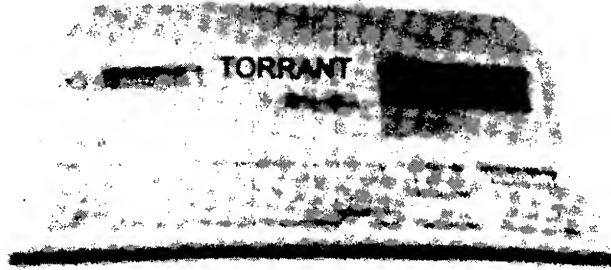
[F. No. WM-21(110)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 अगस्त, 2006

का. आ. 3372.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोरेंट इस्ट्रूमेंट, नं. 93, नील टेनामेंट, पार्ट-1 नरोदा-काठवाडा रोड, न्यू नरोदा, अहमदाबाद-382 330, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “टी आई डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (कंवर्शन किट फार व्हे ब्रिज) के मॉडल का जिसके ब्रांड का नाम “टोरेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/379 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वेइंग ब्रिज) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

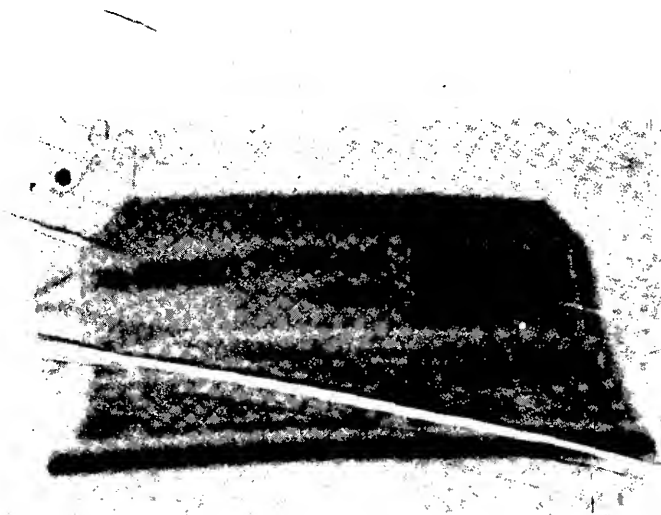
[फा. सं. डब्ल्यू एम-21(101)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th August, 2006

S.O. 3372 .—Whereas the Central Government, after considering the report submitted to-it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of medium accuracy (Accuracy class-III) of series "TIW" and with brand name "TORRANT" (hereinafter referred to as the said Model), manufactured by M/s. Torrant Instrument, No. 93, Nil Tenament, Part-I, Naroda-Kathwada Road, New Naroda, Ahmedabad, 382 330, Gujarat and which is assigned the approval mark IND/09/06/379;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with digital indication (Conversion kit Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(10)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 अगस्त, 2006

का. आ. 3373.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोरेंट इंस्ट्रुमेंट, नं. 93, नील टेनामेंट, पार्ट-1 नरोदा-काठवाडा रोड, न्यू नरोदा, अहमदाबाद-382 330, गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “टी आई डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्हे ब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम “टोरेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/378 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वेइंग ब्रिज) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

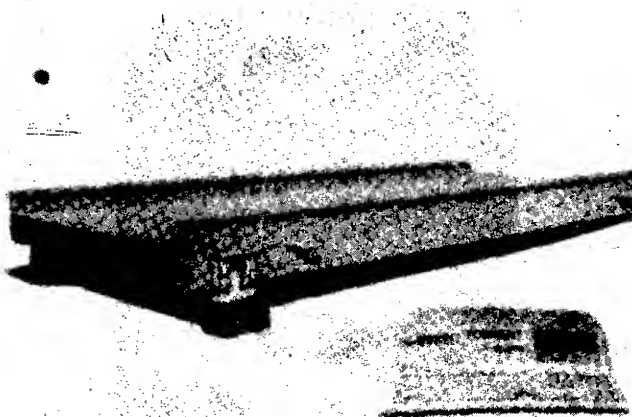
[फा. सं. डब्ल्यू एम-21(101)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th August, 2006

S.O. 3373.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "TIW" and with brand name "TORRANT" (hereinafter referred to as the said model), manufactured by M/s. Torrant Instrument, No. 93, Nil Tenament, Part-I, Naroda-Kathwada Road, New Naroda, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/2006/378;



The said model is strain gauge type load cell based non-automatic weighing instrument with digital indication (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

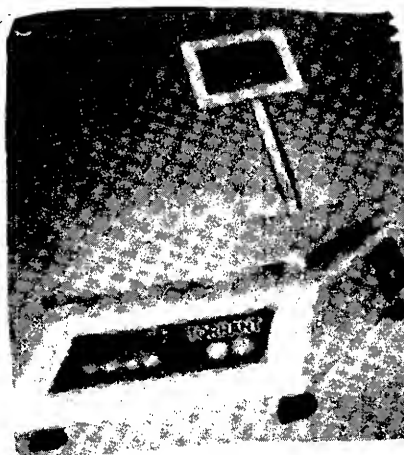
[F.No. WM-21(101)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 अगस्त, 2006

का.आ. 3374.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोरेट इंस्ट्रूमेंट, नं. 93, नील टेनामेंट, पार्ट-1 नरोदा-काठवाडा रोड, न्यू नरोदा, अहमदाबाद-382 330, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले “टी आई टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम “टोरेट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/376 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद भी किया जाएगा और मॉडल को उसकी बिक्री से पूर्व अथवा पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

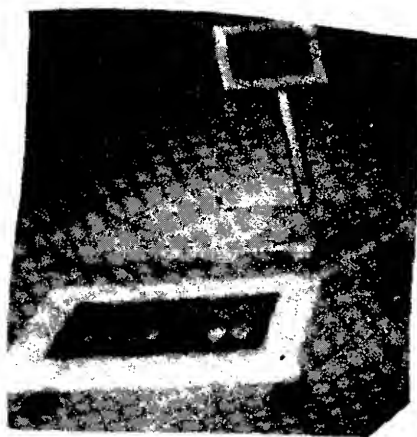
[फा. सं. डब्ल्यू एम-21(101)/2006]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th August, 2006

S.O. 3374.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Table top type) with digital indication of High accuracy (Accuracy class-II) of series "TIT" and with brand name "TORRANT" (hereinafter referred to as the said model), manufactured by M/s. Torrant Instrument, No. 93, Nil Tenament, Part-I, Naroda-Kathwada Road, New Naroda, Ahmedabad-382 330, Gujarat and which is assigned the approval mark IND/09/06/376;



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

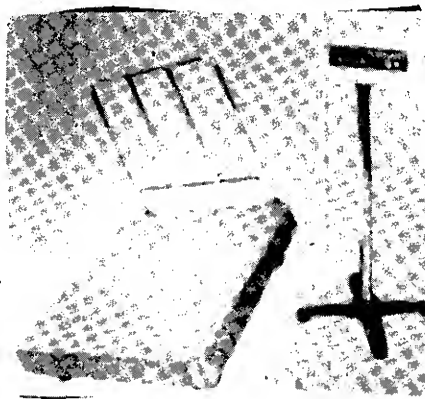
[F.No. WM-21(101)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 अगस्त, 2006

का. आ. 3375.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोरेट इंस्ट्रूमेंट, नं. 93, नील टेनामेंट, पार्ट-I, नरोदा-काठवाडा रोड, न्यू नरोदा, अहमदाबाद-382330 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “टी आई पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘टोरेट’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/377 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला, के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

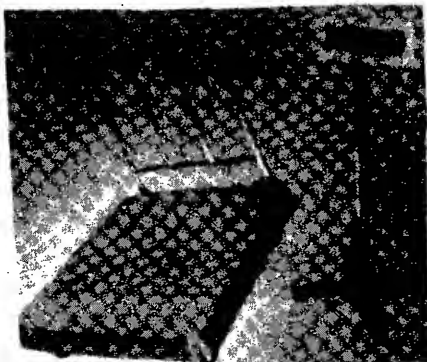
[फा. सं. डब्ल्यू एम-21(101)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th August, 2006

S.O. 3375.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "TIP" and with brand name "TORRANT" (hereinafter referred to as the said model), manufactured by M/s. Torrant Instrument, No. 93, Nil Tenament, Part-I, Naroda-Kathwada Road, New Naroda, Ahmedabad-382330, Gujarat and which is assigned the approval mark IND/09/06/377;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

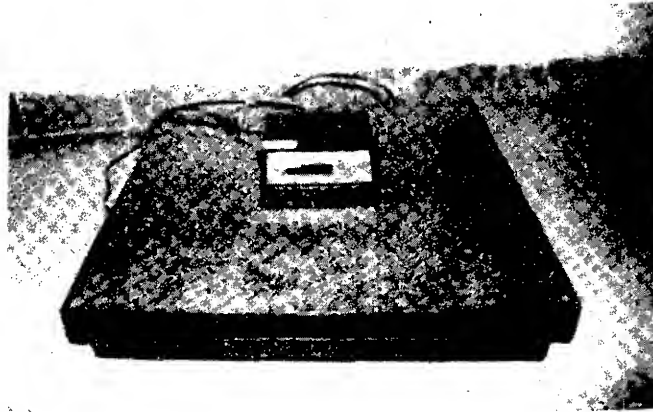
[F. No. WM-21(101)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2006

का. आ. 3376.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मारुथी इलैक्ट्रॉनिक्स, फ्लैट नं. 114, एन वी आर प्लाजा, एन आर पेठा, कुरनूल-518001, आन्ध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “एमई-पीटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘मारुथी’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/293 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

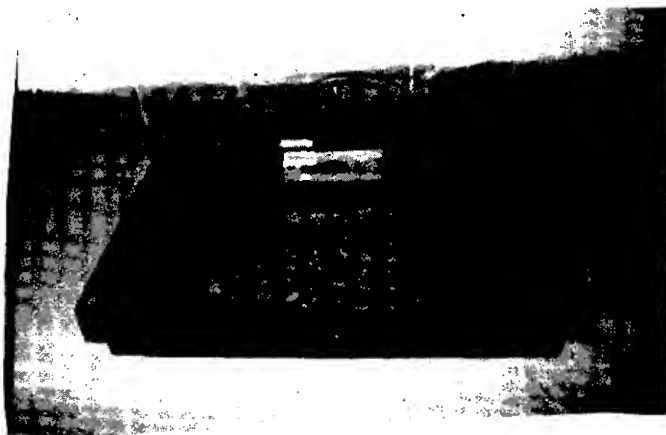
[फा. सं. डब्ल्यू एम-21(81)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2006

S.O. 3376 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing Instrument (Platform type) with digital indication of "ME-PT" of series medium accuracy (Accuracy class-III) and with brand name "MARUTHI" (herein referred to as the said model), manufactured by M/s. Maruthi Electronics, Flat No. 114, NVR Plaza, N. R. Peta, Kurnool-518001, Andhra Pradesh and which is assigned the approval mark IND/09/06/293;



The said model (see the figure given above) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity above 50 kg. and upto 5000 kg. with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

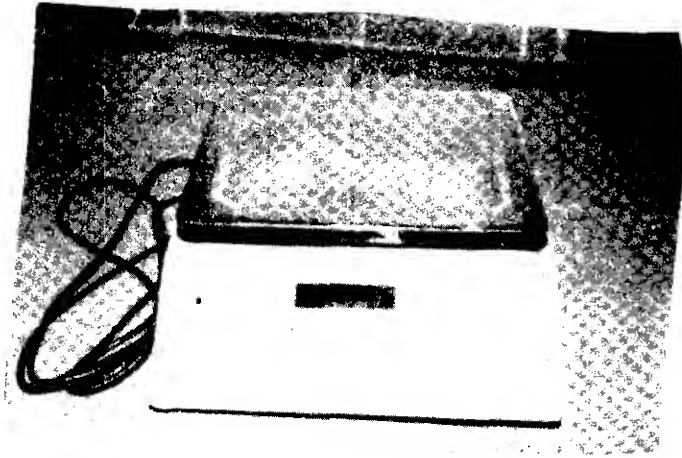
[F. No. WM-21(81)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2006

का. आ. 3377.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मारुथी इलेक्ट्रॉनिक्स, फ्लैट नं. 114, एन वी आर प्लाजा, एन आर पेटा, कुरनूल-518001, आन्ध्र प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "एम ई-जेपी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'मारुथी' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/291 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

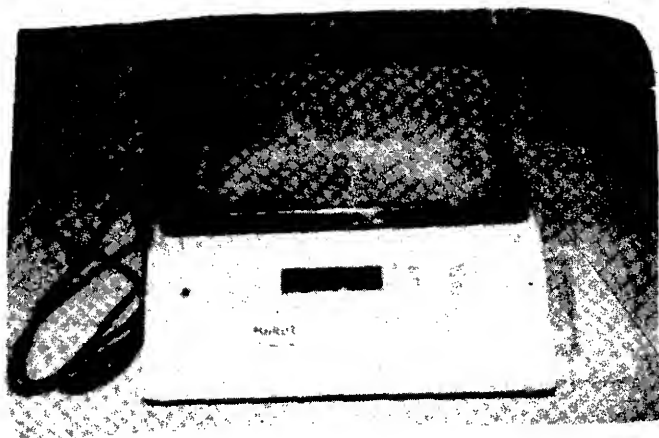
[फा. सं. डब्ल्यू एम-21(81)/2006]

आर. माथुरबुधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2006

S.O. 3377 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing Instrument (Table Top type) with digital indication of "ME-JP" series of high accuracy (Accuracy class-II) and with brand name "MARUTHI" (herein referred to as the said Model), manufactured by M/s. Maruthi Electronics, Flat No. 114, NVR Plaza, N. R. Peta, Kurnool-518001, Andhra Pradesh and which is assigned the approval mark IND/09/06/291;



The said Model (see the figure given below) is strain gauge type load cell based weighing instrument with a maximum capacity of 30Kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50 Kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

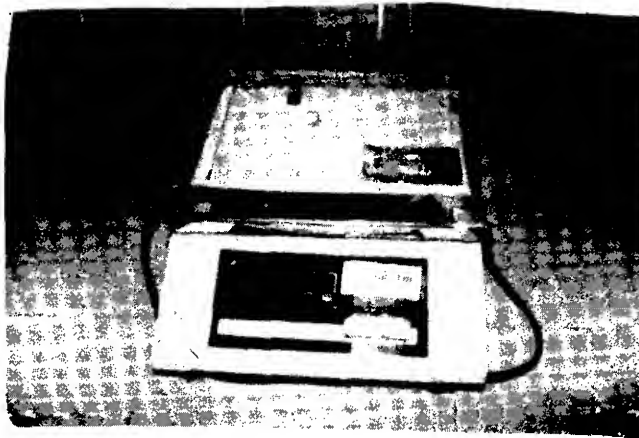
[F.No. WM-21(81)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2006

का. आ. 3378.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मारुथी इलैक्ट्रॉनिक्स, फ्लैट नं. 114, एन वी आर प्लाजा, एन आर पेटा, कुरनूल-518001, आन्ध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम ई-टीबी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम ‘मारुथी’ है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/292 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

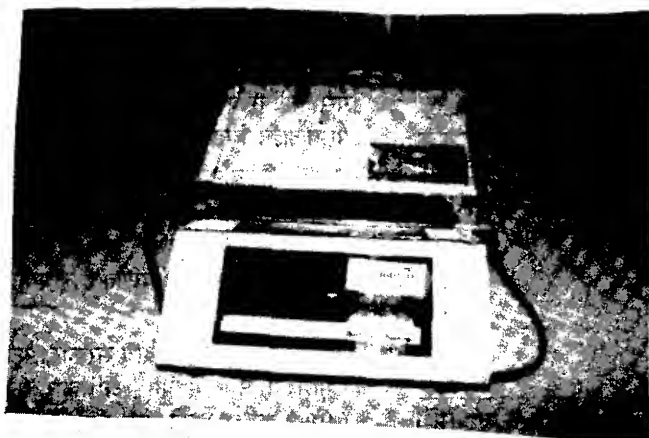
[फा. सं. डब्ल्यू एम-21(81)/2006]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2006

S.O. 3378 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of non-automatic weighing Instrument (Table Top type) with digital indication of series of medium accuracy (Accuracy class-III) and with brand name "MARUTHI" (herein referred to as the said Model), Manufactured by M/s. Maruthi Electronics, Flat No. 114, NVR Plaza, N. R. Peta, Kurnool-518001, Andhra Pradesh and which is assigned the approval mark IND/09/06/292;



The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 Kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50 Kg. and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(81)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

स्वास्थ्य और परिवार कल्याण मंत्रालय

(आयुर्वेद, योग व प्राकृतिक चिकित्सा, यूनानी, सिद्ध एवं होम्योपैथी विभाग)

नई दिल्ली, 14 अगस्त, 2006

का.आ. 3379.—होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उप-धारा (1) के खंड (ख) के उपबंध के अनुसरण में, डॉ. पी. के. सुधीर को विनायक मिशन रिसर्च फाउंडेशन, डीम्ड यूनिवर्सिटी के संकाय से केन्द्रीय होम्योपैथी परिषद् के सदस्य के रूप में निर्वाचित किया गया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का.आ. 482(अ); तारीख 6 अगस्त, 1974 में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की सारणी में "धारा 3 की उप-धारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के अंतर्गत क्रम सं. 32 और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात् :-

(1)	(2)
"32	डा. पी. के. सुधीर, विनायक मिशन रिसर्च फाउंडेशन, प्रिंसीपल, डीम्ड युनिवर्सिटी, सेलम, विनायक मिशन तमिलनाडु"
	होम्योपैथिक मेडिकल कालेज, सेलम

[फा. सं. जेड-28016/16/2006-एचपीसी]

वर्गीज सैम्युअल, संयुक्त सचिव

पाद टिप्पणः अधिसूचना का.आ. 482(अ), तारीख 6 अगस्त, 1974 का अंतिम संशोधन का.आ. 521(अ), तारीख 1 अप्रैल, 2005 द्वारा किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Indian System of Medicines and Homoeopathy)

New Delhi, the 14th August, 2006

S.O. 3379.—Whereas in pursuance of the provision of clause (b) Sub-section (1) of Section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973) Dr. P. K. Sudhir has been elected as a member to Central Council of Homoeopathy from the Faculty from Vinayak Mission Research Foundation (Deemed University).

2. Now, therefore, in exercise of powers conferred by Sub-section (1) of Section 3 of the said Act the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health and Family Planning (Department of Health), number S.O. 482(E), dated 6th August, 1974, namely:—

3. In the table to the said notification, under the heading "Elected under clause (b) of Sub-section (1) of

Section 3", for serial number 32 and entries relating thereto, the following shall be substituted namely:—

(1)	(2)
"32	Dr. P. K. Sudhir, Principal, Vinayaka Mission Homoeopathic Medical College, Salem
	Vinayak Mission Research Foundation, Deemed University Salem, Tamil Nadu"

[F.No.Z-28016/16/2006-HPC]

VERGHESE SAMUEL, Jr. Secy.

Foot Note :-The notification number S.O. 482 (E), dated 6th August, 1974 was last amended vide S.O. 521 (E), dated 1st April, 2005.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 24 अगस्त, 2006

का.आ. 3380.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहेज हजिरा-उरान एवं स्पर पाइपलाइन (इस्माल इंडस्ट्रीज लिमिटेड-उसार सेक्सन) द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इंडिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री के. एन. कशिबले, सक्षम प्राधिकारी, गेल (इंडिया) लिमिटेड, गेल आशियाना भवन, सेक्टर 8बी, 3डी2, सी.बी.डी., बेलापुर, नवी मुम्बई-400614 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
रायगड	अलिबाग	तलाशेत	47	00-02-00
			24	00-06-00
			39	00-42-00
			42	00-65-00
			40	00-04-80

1	2	3	4	5
रायगड अलिबाग	तलाशेत	41		00-07-20
		43		00-24-00
		48		00-06-00
		57		00-27-80
		56		00-08-00
		64		00-20-00
		58		00-25-00
		दलवि	नाला	00-01-50
		खारोशी		
		143		00-03-00
		नाला		00-10-00
		नाला		00-10-00
		जंगल		00-15-00
		जंगल		01-58-10
	कोलघर भेपोली	34		00-11-25
		23		00-16-00
		22		00-86-00
		15		00-35-00
		16		00-02-00
		17		00-95-00
		37		00-48-90
		18		00-12-00
		बेलोशी	जंगल	03-10-80
		कूने	जंगल	01-94-70
		150		00-01-80
		151		00-10-20
		152		00-08-20
		153		00-22-80
		153/एफ		00-25-20
		157		00-16-50
		189		00-08-40
		188		00-03-80

[फा. सं. एल-14014/12/2006 जीपी]

एस. बी. मंडल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 24th August, 2006

S.O. 3380.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur pipeline (Ispat Industries Ltd.-Usar Section) in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K. N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400614 (Maharashtra).

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired for ROU in Hect.)
1	2	3	4	5
Raigad	Alibag	Talashet	47	00-02-00
			24	00-06-00
			39	00-42-00
			42	00-65-00
			40	00-04-80
			41	00-07-20
			43	00-24-00
			48	00-06-00
			57	00-27-80
			56	00-08-00
		Dalvi Kharoshi	64	00-20-00
			58	00-25-00
			Nala	00-01-50
			143	00-03-00
			Nala	00-10-00
			Nala	00-10-00
			Forest	00-15-00
			Forest	01-58-10
		Kolghar Bopoli	34	00-11-25
			23	00-16-00
			22	00-86-00
			15	00-35-00
			16	00-02-00
			17	00-95-00
			37	00-48-90
			18	00-12-00
		Beloshi Kune	Forest	03-10-80
			Forest	01-94-70
			150	00-01-80
			151	00-10-20
			152	00-08-20
			153	00-22-80
			153/F	00-25-20
			157	00-16-50
			189	00-08-40
			188	00-03-80

[F. No. L-14014/12/2006-GP]

S. B. MANDAL, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 199/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th July, 2006

S.O. 3381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.199/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT AHMEDABAD**

**PRESENT: SHRIB.I.KAZI (B. SC., LL.M),
Presiding Officer**

**Com.C.G.I.T.A. No. 199/04 In Reference No. C.G.I.T.A.
No. 201/04**

(Old Com. No. 153/03 in Reference (I.T.C) No. 120/99)

B. K. Shah,
C/o. ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384 002. ...Complainant
V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun-248 003 ...Opponent

APPEARANCE

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion

policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 10-05-2006

Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3382.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 196/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006 आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3382.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 196/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. SC., LL.M.)
Presiding Officer

Com.G.C.I.T.A. No. 196/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 150/03 in Reference (I.T.C) No. 120/99)

R. M. Patel,
C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384 002.

Complainant...

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun — 248 003

Opponent...

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other

union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence, the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence, I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence, this complaint is hereby disposed off. No order as to cost.

Date : 9-5-2006
Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 197/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3383.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 197/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. Kazi (B. SC., L.L.M), Presiding Officer

Com. C.G.I.T.A. No. 197/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 151/03 in Reference (I.T.C) No. 120/99]

B. R. Makwana
C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002.Complainant
V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun — 248 003.Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence, prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The Management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence, the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension—assumption. The subject-matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence, I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 10-05-2006

Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 198/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3384.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 198/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. Kazi (B. SC., L.L.M), Presiding Officer

Com. G.C.I.T.A. No. 198/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 152/03 in Reference (I.T.C) No. 120/99]

H. K. Veghela,

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahar Nagar,
Mahesana—384002.

.....Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun—248003

.....Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence, prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher

post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint.

Hence, this complaint is hereby disposed of. No order as to cost.

Date : 10-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 194/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3385.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.194/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. SC., L.L.M.), Presiding Officer

Com.G.C.I.T.A. No. 194/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 148/03 in Reference (I.T.C) No. 120/99]

V: A. Patel

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002.

.....Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

.....Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion

policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by

Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 9-05-2006

Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 195/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3386.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.195/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. Kazi (B. SC., L.L.M.), Presiding Officer

Com. G.C.I.T.A. No. 195/04 In Reference No. C.G.I.T.A. No. 201/04

[Old Com. No. 149/03 in Reference (I.T.C) No. 120/99]

M. B. Panchal

C/o ONGC Electrical and Allied Staff Association,

19, Pushpkunj Society, Near Sahkar Nagar,

Mahesana — 384002.

.....Complainant

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun-248003

.....Opponent

APPEARANCE:

Complainant Shri R. C. Shukla
Opponent Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide File No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying

to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 9-05-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ 3387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 192/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3387.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 192/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
AHMEDABAD****PRESENT:****Shri B. I. Kazi (B.Sc., LL.M.), Presiding Officer****Com. C.G.I.T.A. No. 120/99 in Reference No. C.G.I.T.A.
No. 201/04****[Old Com. No. 146/93 in Reference (I.T.C) No. 120/99]****Sunil Taneja****C/o ONGC Electrical and Allied Staff Association,
19, Pustakunj Society, Near Sahkar Nagar,
Mahesana-384002.****...Complainant****V/s.****The Director, (Personnel/HR)
ONGC Ltd., Telfhavan,
Dehradun — 248003****...Opponent****APPEARANCE****Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia****ORDER**

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide File No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to

opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 8-05-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3388.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 193/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3388.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.193/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I.KAZI (B. SC., L.L.M.)
Presiding Officer

Com.C. G. I.T.A. No. 193/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 147/03 in Reference (I.T.C) No. 120/99)

V. G. Makwana

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002.

—Complainant

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun — 248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject-matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of

section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 9-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 191/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3389.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.191/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRY TRIBUNAL CUM LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. SC., L.L.M.)
Presiding Officer

Com.G.C.I.T.A. No. 191/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 145/03 in Reference (I.T.C) No. 120/99)

R. K. Sharma
C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002 ...Complainant
V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun — 248003 ...Opponent

APPEARANCE

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy, is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject-matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of

contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 08-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3390.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 200/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3390.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 200/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M.), Presiding Officer

Com. C.G.I.T.A. No. 200/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 154/03 in Reference (I.T.C) No. 120/99]

M. A. Parmar

C/o. ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavān,
Dehradun-248003

—Opponent

APPEARANCES:

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time-bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time-bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time-bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time-bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time-bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the

ground of apprehension—assumption. The subject-matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject-matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 10-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 189/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 189/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the

management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M), Presiding Officer

Com. C.G.I.T.A. No. 189/04 in Reference No. C.G.I.T.

A. No. 201/04

[Old Com. No. 143/03 in Reference (I.T.C) No. 120/99]

P. P. Veghela,

C/o ONGC Electrical and Allied Staff Association,

19, Pushpkunj Society, Near Sahkar Nagar,

Maheana — 384002.

... Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

... Opponent

APPEARANCES:

Complainant : Shri R. C. Shukla.

Opponent : Shri K. V. Gadhia.

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time-bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time-bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time-bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time-bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time-bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 5-5-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3392.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 190/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3392.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 190/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I.KAZI (B. SC., L.L.M), Presiding Officer

Com. C.G. I.T.A. No. 190/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 144/03 in Reference (I.T.C) No. 120/99]

A. K. Khanna

C/o. ONGC Electrical and Allied Staff Association.

19, Pushpkunj Society, Near Sahkar Nagar,

Maheana-384002.

...Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

...Opponent

APPEARANCES :

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have

intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference I20/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 5-5-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या 188/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3393.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 188/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M.), Presiding Officer

Com. C.G.I.T.A. No. 188/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 142/03 in Reference (I.T.C) No. 120/99]

D. K. Pandey

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.

...Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun-248003

...Opponent

APPEARANCES

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy,

in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to

say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 4-5-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 187/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.187/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-7-2006.

[No.L-30025/10/2006-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT AHMEDABAD

PRESENT: SHRI B.I.KAZI (B. Sc., L.L.M.),
 Presiding Officer

Com.C.G.I.T.A. No. 187/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 141/03 in Reference (I.T.C.) No. 120/99]

Sudhir Singh
 C/o ONGC Electrical and Allied Staff Association,
 19, Pushpkunj Society, Near Sahkar Nagar,
 Mahesana — 384002. —Complainant

V/s.

The Director (Personnel/HR)
 ONGC Ltd., Telbhavan,
 Dehradun — 248003 —Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical Category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to

opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 3-5-2006
 Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 186/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 186/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M), Presiding Officer
Com.C. G. I.T.A. No. 186/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 140/03 in Reference (I.T.C) No. 120/99]

S. K. Sharma

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002. ...Complainant
V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun-248003 ...Opponent

APPEARANCE

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed

any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 2-5-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 185/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 185/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M.), Presiding Officer
Com.C.G.I.T.A. No. 185/04 in Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 139/03 in Reference (I.T.C.) No. 120/99]

F. G. Vohra

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun-248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to

say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I.D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date : 02-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3397.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 184/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3397.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.184/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
AHMEDABAD**

PRESENT:

SHRI B.I.KAZI (B. Sc., L.L.M), Presiding Officer

**Com.G.C.I.T.A. No. 184/04 In Reference No. C.G.I.T.A.
No. 201/04**

[Old Com. No. 138/03 in Reference (I.T.C) No. 120/99]

V. J. Gadhi

C/o ONGC Electrical and Allied Staff Association,

19, Pushpkunj Society, Near Sahkar Nagar,

Mahesana — 384002.

Complainant...

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

Opponent...

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for Electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference.

Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I.D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 01-05-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3398.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 183/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.183/04)

of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. Sc., L.L.M.)

Presiding Officer

Com.C.G.I.T.A. No. 183/04 In Reference No. C.G.I.T.A. No. 201/04

[Old Com. No. 137/03 in Reference (I.T.C) No. 120/99]

Anurudh Kumar

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound

policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable

settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 1-5-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ 3399.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 182/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3399.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.182/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. Sc., L.L.M).
Presiding Officer

Com.G.C.I.T.A. No. 182/04 In Reference No. C.G.I.T.A. No. 201/04

[Old Com. No. 136/03 in Reference (I.T.C) No. 120/99]

J. B. Panchal
C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002. —Complainant
V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun — 248003 —Opponent

APPEARANCE

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in

one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the

management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 1-5-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.अ. 3400.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 181/04) को प्रकाशित की है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 181/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. Sc., L.L.M.)
Presiding Officer

Com.C.G.I.T.A. No. 181/04 In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 135/03 in Reference (I.T.C) No. 120/99]

G. K. Parmar

C/o. ONGC Electrical and Allied Staff Association,
10, Pushpkunj Society, Near Sahkar Nagar,

Mahesana — 384 002.

—Complainant

V/s.

The Director (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun — 248 003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as an old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied

by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R. & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence, I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 15-2-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 201/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 201/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT AHMEDABADPRESENT: Shri B.I. KAZI (B. Sc., L.L.M.)
Presiding OfficerCom.C.G.I.T.A. No. 201/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 155/03 in Reference (I.T.C) No. 120/99)

V. P. Mehia,
C/o. ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384 002. —Complainant

V/s.

The Director (Personnel/HR),
ONGC Ltd., Telbhavan,
Dehradun-248 003 —Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal, C.G.I.T.A. No. 201/04 as an old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P

rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence, the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Disputes Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence, I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence, this complaint is hereby disposed of. No order as to cost.

Date : 10-5-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 202/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.202/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I.KAZI (B. SC., L.L.M), Presiding Officer

Com. C.G.I.T.A. No. 202/04 In Reference No. C.G.I.T.A. No. 201/04

(Old Com. No. 156/03 in Reference (I.T.C) No. 120/99)

G. R. Bhatt

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana - 384002.

....Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun-248003

....Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action

of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear

that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 12-06-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 203/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3403 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.203/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I.KAZI (B. SC., L.L.M), Presiding Officer

Com. C.G.I.T.A. No. 203/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 157/03 in Reference (I.T.C) No. 120/99)

N. K. Patel

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana - 384002.

....Complainant

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun - 248003

....Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Disputes Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be changed till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as an old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call

recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 12-06-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 204/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3404.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.204/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-1R(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT AT AHMEDABAD

PRESENT: SHRI B.I. KAZI (B. SC., L.L.M.)

Presiding Officer

Com.G.C.I.T.A. No. 204/04 In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 158/03 in Reference (I.T.C) No. 120/99]

Moolchand Sharma

C/o ONGC Electrical and Allied Staff Association,

19, Pushpkunj Society, Near Sahkar Nagar,

Mahesana-384002

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun-248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 12-06-2006

Ahmedabad.

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3405.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 205/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आईआर(विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3405.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.205/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I.KAZI (B. Sc., L.L.M), Presiding Officer

Com.G.C.I.T.A. No. 205/04, In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 159/03 in Reference (I.T.C) No. 120/99]

B. H. Patel

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana -384 002

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun - 248 003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to

the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say any thing about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed of accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date: 13-06-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3406.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 206/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 20th July, 2006

S.O. 3406.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.206/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I.Kazi (B. Sc., L.L.M.), Presiding Officer

Com.G.C.I.T.A. No. 206/04, In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 160/03 in Reference (I.T.C) No. 120/99]

K. G. Rajput,
C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.
—Complainant

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun-248003
—Opponent

APPEARANCES

Complainant : Shri R. C. Shukla
Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the

service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no

grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 13-06-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 207/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3407.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.207/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

Shri B.I. Kazi (B. Sc., L.L.M). Presiding Officer

Com.G.C.I.T.A. No. 207/04 In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No: 161/03 in Reference (I.T.C) No. 120/99]

M. P. Gupta,

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.

—Complainant

V/s.

The Director, (Personnel/HR)
ONGC Ltd., Telbhavan,
Dehradun-248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer *vide* file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and

contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 14-06-2006

Ahmedabad

B. I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ. 3408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 208/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3408.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 208/04)

of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: Shri B. I. Kazi (B. Sc., L.L.M),
Presiding Officer

**Com.C.G.I.T.A. No. 208/04 In Reference No. C.G.I.T.A.
No. 201/04**

[Old Com. No. 162/03 in Reference (I.T.C) No. 120/99]

P. K. Sharma

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana — 384002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,

Dehradun — 248003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound

promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 14-06-2006

Ahmedabad

B. I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ 3409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 211/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3409.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 211/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M.), Presiding Officer

Com.C.G.I.T.A. No. 211/04 In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 165/03 in Reference (I.T.C) No. 120/99]

P. H. Patel

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana - 384002.

...Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Teibhavan,
Dehradun - 248003

...Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the

say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension-assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date : 15-06-2006

Ahmedabad

B. I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ 3410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 210/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 210/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B. I. KAZI (B. Sc., L.L.M), Presiding Officer

Com. C.G.I.T.A. No. 210/04 In Reference No. C.G.I.T.A.
No. 201/04

[Old Com. No. 164/03 in Reference (I.T.C.) No. 120/99]

K. A. Kachhia,

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana - 384 002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,
Dehradun - 248 003

—Opponent

APPEARANCE

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act. Praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the written statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has

not contravened any provisions of sections 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P Policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of Section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous and does not survive in law. Hence I pass the following order:

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed off. No order as to cost.

Date: 15-06-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 20 जुलाई, 2006

का.आ 3411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 209/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-7-2006 को प्राप्त हुआ था।

[सं. एल-30025/10/2006-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 20th July, 2006

S.O. 3411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.209/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of O. N. G. C. and their workman, which was received by the Central Government on 19-07-2006.

[No. L-30025/10/2006-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRY TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI (B. Sc., L.L.M.), Presiding Officer

Com.G.C.I.T.A. No. 209/04 In Reference No. C.G.I.T.A.
No. 201/04

(Old Com. No. 163/03 in Reference (I.T.C) No. 120/99)

L. M. Buntaria

C/o ONGC Electrical and Allied Staff Association,
19, Pushpkunj Society, Near Sahkar Nagar,
Mahesana-384002.

—Complainant

V/s.

The Director, (Personnel/HR)

ONGC Ltd., Telbhavan,
Dehradun-248003

—Opponent

APPEARANCE:

Complainant : Shri R. C. Shukla

Opponent : Shri K. V. Gadhia

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act, praying that the opponent shall not change time bound promotion policy, in which a workman who completes six years of service in one post will get the promotion to next higher post. It is the say of the complainant that change of time bound promotion policy is a change of service condition. Hence prays that the opponent should be ordered to desist from any action of modifying R & P rules for electrical category and the service condition should not be change till the pending of reference case.

2. The brief facts of the complainant is that the reference is pending before the Hon'ble Tribunal C.G.I.T.A. No. 201/04 as a Old I.T.C. No. 120/99 for adjudication. The management of O.N.G.C. trying to modify R & P rules without the consent of Electrical and Allied Staff Association. The action will change the service condition of Electrical category workman who are involved in the

reference. As per the present R & P rules after completing of six years, the workman is getting promotion to next higher post and it is the time bound promotion policy and it is also service condition of the workman. The management have intimated their intention of change of time bound policy to the union through conciliation officer vide file No. RLC/AH/50/(1)/2002 on 15-5-2002 a copy is enclosed as Annexure "B". Thus the intention of change of time bound promotion policy is change of service condition as per Section 9-A and Schedule-IV of I.D. Act, 1947. Thus it is prayed that the Hon'ble Tribunal shall issue an order to opposite party to desist for any action of modifying R & P rules for electrical category workman without the consent of Electrical and Allied Staff Association and not to change the service conditions till the Reference 120/99 is finalized.

3. A notice was issued to the opponent to file the Written Statement.

4. By Ex. 5 opponent has filed the Written Statement. The brief facts are that complaint is not maintainable at law and the Hon'ble Tribunal has no jurisdiction. The complaint is ill founded and made on assumption. The opponent has not contravened any provisions of Section 33 of the I.D. Act. The complainant is not concerned workman and alleged dispute is not connected with the main reference. Hence the complaint is required to be dismissed. The complaint is not maintainable at law, as it is filed on the ground of apprehension — assumption. The subject matter of present complaint is not connected with the pending Reference (ITC) No. 120/99. There is no such demand promotion in the main reference. The averments and contention made in the complaint are not true, hence denied by the opponent. It is denied that the management is trying to modify recruitment and promotion rules with the other union. It is the privilege of the management to change of any rule. It is denied that there will be change of any service conditions of the complainant. The management call recognized unions and ASTD for the discussion for changing the R & P regulations and the union is not recognized union and their union has not a legal right to say anything about R & P. The complainant has not produced any proof of contravention of Section 33 of the I. D. Act. Thus it is prayed that the complaint should be dismissed with cost.

5. During the course of adjudication the representative of the complainant submitted a purshis by Ex. 6 and it is stated that the matter is settled with the management. Hence, the present complaint may be disposed off accordingly.

6. Looking to the facts of this purshis Ex. 6 it is clear that the matter has been settled amicably and there is no grievance of the complainant regarding changing the R & P policy. Not only that the opponent has not committed any breach of Section 33. Thus there is no violation of section 33 of the Industrial Dispute Act by the opponent. Looking to the Ex. 6, this complaint become infructuous

and does not survive in law. Hence I pass the following order :

ORDER

In view of the fact of Ex. 6 the parties have amicable settlement regarding the subject matter of the complaint. Hence this complaint is hereby disposed of. No order as to cost.

Date : 14-06-2006

Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 25 जुलाई, 2006

का.आ 3412.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 327/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2006 को प्राप्त हुआ था।

[सं. एल-12025/3/2006-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th July, 2006

S.O. 3412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 327/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Saurashtra and their workman, which was received by the Central Government on 25-7-2006.

[No. L-12025/3/2006-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. KAZI (B. Sc., L.L.M.), Presiding Officer

Com. C.G.I.T.A. No. 327/04

(Old Com. No. 1/2003)

Smt. Manjulaben M. Solanki
C/o Maha Gujarat General Works Union
Hathikhana Road, Junagadh

...Complainant

V/s.

The Manager,
State Bank of Saurashtra,
Diamond Tokiz, Veraval

...Opponent

APPEARANCE

Complainant : Shri I. C. Khan

Opponent : Absent

ORDER

1. The complainant has filed this complaint under Section 33A of the Industrial Dispute Act for the termination of the complainant on 16-09-2000 by the opponent and prays that he shall be reinstated with continuity of services and with back wages, and all other benefits and for the cost. The brief facts are that she was working in the opponent branch, and has raised the dispute for the permanency. Which is C. G. I. T.A. No. 1170/04. No approval was taken. Though reference was pending before the conciliation. Thus the act of termination is illegal, improper, and ab-initio-void. Thus she prays as per para 4 of the complaint.

2. A notice was issued to the opponent to file the reply. The opponent did not file the reply, though proper opportunity was given by this Tribunal. The right of reply was closed by order under Ex.6.

3. The complainant has submitted a D.E. list by Ex. 3. Which are marks 3/1 to 3/6 which are exhibited 12 to 17 respectively. The complainant has further produced a D. E. list by Ex. 8. Which are marks 8/1 to 8/3 and exhibited as Exs. 9, 10 and 18 respectively.

4. The complainant examined herself by Ex. 11. Though proper opportunity was given to the opponent they did not remain present to cross the witness. Thus the right of cross-examination was closed as per order under Ex. 21. Then the matter was kept for the evidence of the opponent, but the opponent did not avail on opportunity. Hence right of the opponent was closed as per order passed under Ex. 23. The complainant has submitted a written arguments and various decisions in support of the case. I have perused the written arguments and taken on record. A gist of the arguments is that the demand of the reference was before the conciliation officer. Thus the services condition can not be changed without necessary application of approval/permission. The opponent has not followed Section 25 F of the I. D. Act before the termination and she has worked for more than 240 days preceding the 12 months of the termination. Thus the termination is in violation of Section 33 of the I. D. Act. Hence the complainant is entitled for the reinstatement with continuity of services and with full back wages. In support of his submissions he cited :

- (i) 1993 (1) G. L. H. 1162 S. C. Sarva Shramik Sangh V/s. Indian Hume Pipe Co. Ltd. and Another.
- (ii) 1979 L. A. B. I.C. 312 Patna H. C. Bihar State Road Transport Corporation and others V/s. Jadunandan Singh.

5. Looking to the submission and looking to the documents and evidence produced by the complainant. The following issues are to be decided for my considerations :

- (a) Whether the termination of the complainant by the opponent is in violation of Section 33 of the I. D. Act?

- (b) Whether the complainant proves that the termination of the opponent is in violation of Section 25 F of the Industrial Dispute Act.
- (c) Whether the complainant is entitled for the reinstatement to his post with continuity of services?
- (d) What order about the back wages?
- (e) What final order?

My answer to the above issues are as under as per reasons given below :

- (a) Yes
- (b) Yes
- (c) Yes
- (d) The opponent shall pay 60% back wages from the date of termination till the reinstatement.
- (e) As per the final order of the complaint.

REASONS

6. If we peruse the documents submitted by the complainant, it is clear that the services of the complainant was terminated by the opponent, while the dispute for the permanency was pending before the conciliating authority. Thus the termination on 16-09-2000 of the complainant is nothing, but in violation of Section 33 of the I. D. Act.

7. Looking to the evidence Ex. 11, it is clear that no notice or notice pay was given, no compensation has been paid. She was working with the bank as a peon and the wages were paid by the vouchers. She has worked for 10 years continuously. Thus it is clear that before the 12 months preceding the termination. She has worked for more than 240 days. Thus Section 25 F is applicable in the present case and in violation of Section 25 F, the opponent has terminated the services of the complainant. Looking to this fact the complainant is entitled to reinstate on his original post with continuity of services, because the opponent did not establish that the termination was according Section 25F. Not only that after the illegal act of the opponent, she did not get any employment after the termination. Hence it is necessary to award 60% back wages from the date of termination till the reinstatement by the opponent to the complainant.

8. Looking to the above observations I hereby pass the following order.

ORDER

The complaint is allowed. The opponent is hereby directed to reinstate the opponent on his original post with continuity of services within 30 days of the receipt of this order. It is also directed to pay the complainant 60% back wages from the date of termination till the reinstatement and to pay Rs. 1000/- as a cost of this complaint to the complainant.

Date: 13-04-2006
Ahmedabad

B.I. KAZI, Presiding Officer

नई दिल्ली, 26 जुलाई, 2006

का.आ 3413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्टेग्रेल कोच फैक्टरी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या 2/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/167/95-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2006

S.O. 3413.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/97) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Integral Coach Factory and their workman, which was received by the Central Government on 26-7-2006.

[No. L-41012/167/95-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, CHENNAI

PRESENT:

Thiru R. Munirathinam, B.A., B.L., Presiding Officer

Wednesday, the 15th day of March, 2006

Central Government Industrial Dispute No. 2/97

Between

Thiru. Krishnan (23/2002 PF No. 46483),
Khalasi Helper,
105-C, Pillaiyar Koil Street,
T. V. Nagar,
Chennai-600 040.

And

The General Manager,
Integral Coach Factory,
Chennai-600 038.

This dispute coming on 6-3-2006 before me for final hearing in the presence of M/s. T. I. Ramanathan. K. Ganesan and N. P. Jayakumar counsel for petitioner and of M/s. P. Arulmudi and P. Srinivasan, counsel for respondent and upon perusing the material paper on records and upon hearing their arguments and having stood over for consideration till this day, this Court delivered the following:

AWARD

This is an Industrial Dispute between Thiru. Krishnan and the General Manager, I.C.F., Chennai-38 referred to this Court for adjudication u/s 10(1)(d) of I.D. Act, 1947 by

the Government of India/Bharat Sarkar in Order No. L-41012/167/95-IR (B.I), Ministry of Labour/Shram Mantralaya, New Delhi dated 7-2-1997 on the following issues:

“Whether the action of the management of General Manager, Integral Coach Factory, Madras in terminating the services of Shri R. Krishnan, Scavenger with effect from 28-4-84 after serving 19 years of service for chronic absentism due to illness is just, proper and legal? If not, to what relief is the workman entitled to?”

(2) The brief averments in the petition are as follows:

The petitioner has joined the services of the respondent on 21-4-1965 as a Scavenger and after 19 years of service he was promoted as Khalasi. In the course of service, as he could not attend to work from 3-9-1981 to 26-10-83 since he has developed Occupational Disease, an enquiry was conducted against him by the respondent on 20-2-1984. But he did not know the nature of proceedings conducted against him since he is an illiterate. Further, the petitioner had informed the Head of Department about his ailments and he was absent from duty only after due sanction by the Head of Department. The petitioner had been under the impression that he could join duty after his ailment is cured and when the petitioner went to report for duty having recovered his ailment completely, he was informed that he has already been dismissed from service. The order of termination is not valid in law. The petitioner is now aged 43 and he is in a position to work. Therefore, he raised a dispute before the conciliation officer and the same ended in failure. Hence, the petitioner requests to direct the respondent to reinstate him with continuity of service, full back wages and all other attendant benefits.

(3) The brief averments in the counter are as follows:

The respondent denies all the allegations and averments in the petition. The petitioner was appointed as a Sanitary Cleaner on 21-4-1965. While working as a Khalasi Helper, he was taken up on a major disciplinary proceedings on 15-12-1983 for his unauthorised absence from 3-9-1981 to 26-10-1983. A departmental enquiry was held in a fair and proper manner following the principles of natural justice, in which the petitioner has participated and admitted the charge of unauthorised absence. The enquiry officer gave his findings. Based on the findings, the respondent dismissed the petitioner from service on 28-4-1984. Against the order, he had appealed to Addl. Chief Mech. Engineer/Shell on 13-7-84, which was turned down by the Appellate Authority on 15-9-84. Subsequently, he submitted a revision petition to the Chief Mechanical Engineer on 17-12-84. The petitioner has acknowledged all these communications which were sent by registered post. Thereafter, he also submitted a mercy petition to the General Manager and after its disposal, a memorandum to the Hon'ble Minister for Railways in 1988 on which the comments of this Administration have been given to the Ministry of Railways in December, 1988. Further, the

petitioner was a chronic absentee right from his appointment and prior to his removal he had been punished on 12 occasions for his unauthorised absence. Further, there are no merits in the petition, which is also badly delayed. The petitioner was removed from service in April 1984 and has exhausted the departmental remedies of appeal and revision petitions in 1984 itself. He is coming up with this I.D. after more than 13 years. For the reasons stated above, this dispute has to be dismissed.

(4) On the side of petitioner, the petitioner was examined as W.W. 1 but no document was marked and on the side of respondent, one witness was examined as M.W. 1 and Ex. M. 1 to M. 12 were marked.

(5) Counsel for respondent also filed written arguments.

(6) Points for determination are :

- (1) Whether the petitioner is chronic absentee as alleged by the Respondent ?
- (2) Whether the removal of service of the petitioner is justified ?
- (3) Whether the petitioner is entitled for reinstatement with continuity of service, full back wages and all other attendant benefits ?

(7) Point No. 1 and 2 : It is not in dispute that the petitioner was appointed as Sanitary Cleaner on 21-4-1965 and thereafter he was promoted as Khalasi and at the time of working as Khalasi, the petitioner absented for duty from 3-9-1981 to 26-10-1983. It is the case of the petitioner as seen from the claim statement that he had developed Occupational disease and thereby he stayed away from employment from 3-9-1981 to 26-10-83. On the contrary, it is the case of the respondent that petitioner while in employment as Khalasi, the petitioner absented himself unauthorisedly for a period of 493½ days between 3-9-1981 to 26-10-1983. The petitioner admits that a departmental enquiry was conducted against the petitioner and the petitioner has participated in the proceedings. But the petitioner would contend that the petitioner being illiterate was not aware of the proceedings conducted against him as the proceeding was conducted in English. It is pertinent to note that in the claim statement it is mentioned due to occupational disease petitioner was not able to attend duty between 3-9-1981 to 26-10-83. But during enquiry, the petitioner has represented that his mother who stayed at Bangarapet, Karnataka State, was sick and to attend on his mother he was not able to attend duty. The reason for not attending duty as stated by the petitioner in the claim statement and in the domestic enquiry is contra to one another. The counsel for the respondent would contend that if really the reason for his absence was due to his mother treatment he could have informed the respondent officials and proceeded to Bangarapet and without any permission or leave the petitioner had left the head-quarters which itself will go to show that the petitioner

stayed away from employment unauthorisedly.

(8) The domestic enquiry was conducted against the petitioner and the participation of the petitioner in the domestic enquiry has not been disputed by the petitioner. But it is the specific allegation by the petitioner that being illiterate he was not aware of the proceedings. If the petitioner is not capable of taking defence, the petitioner ought to have taken the assistance of a co-worker to defend himself. The petitioner has not chosen to take the assistance from the co-worker to defend him during the domestic enquiry against him. It is not the case of the petitioner that the respondent management not permitted him to have the assistance of the co-worker to assist him in the domestic enquiry. The petitioner would contend that during 1984, when he reported for duty, he was not permitted to work in the respondent management. The evidence on record reveals that Petitioner has suppressed the material facts that removal of service after enquiry and his representation to officials as well as political leaders from the respondent's documents.

(9) The petitioner has not filed any document on his side. On the contrary, the respondent has filed Ex.M.1 to M.12 which speaks for itself that the memo issued to the petitioner for his unauthorised absence. Ex. M.3 proceedings of the enquiry officer and the questions put to the delinquent and answers given by the delinquent were explained to the petitioner wherein the petitioner has signed. It is pertinent to note that in Ex.M.3 endorsement to the effect that it was read over and explained to the delinquent itself makes it clear that the petitioner has participated in the proceedings and he was aware of the nature of the proceedings conducted against the petitioner. Ex.M.4 findings establishes that the petitioner himself admitted about his mother's illness was the reason for not attending duty which is evident from questions put to the delinquent and answers given by him. The findings of the enquiry officer is corroborated by Ex.M.3 proceedings. The findings was issued to the petitioner under Ex.M.5 and the same was acknowledged by the petitioner which is evident from the same document. Based on the findings of the enquiry officer only he was removed from service by order dated 28-4-1984 under Ex.M.6.

(10) The petitioner has stated in the claim petition and in the evidence that he was not aware of the proceedings and the termination of service, Ex.M.7 representation given by the petitioner to the A.C.M.E./Shell, I.C.F. Madras will disclose that he was aware of the termination. In Ex.M.7 the petitioner has specifically pleaded that due to his mother's illness and compelling circumstances he was forced to absent himself and realised the gravity of his absence. This admission of petitioner under Ex.M.7 would establish that he was aware of the termination and the reason for absence was due to his mother's illness. But, if really his mother was ill or he was suffering from occupational disease, the petitioner could have made

request to the authorities concerned by applying leave for which he is entitled to. But the petitioner has not taken steps and remained silent till domestic enquiry initiated against the petitioner for his unauthorised absence. The request made by the petitioner was turned down by the Addl. Chief Mechanical Engineer by order dated 15-9-84 and modified the penalty imposed on the petitioner. The petitioner also made representation under Ex.M.9 dated 30-10-84 to the Chief Mechanical Engineer, I.C.F. to reinstate him in service and this request of the petitioner was also negated by the authority by letter dated 7-12-84 under Ex.M.10. The termination order and the appeal made by the petitioner to the authorities concerned were negated is evident from EX.M.8 and Ex.M.10. These documents filed by the respondent makes it crystal clear that the petitioner was active participant in the domestic enquiry and he was aware of the proceedings and only after knowing the gravity of the development, he had made appeal to the authorities concerned for reinstatement. But strangely the petitioner has stated in the claim statement and in the evidence that he was not aware of the proceedings conducted against him which is contra to the materials placed on record.

(11) The charge memo issued to the petitioner under Ex.M.1 itself makes it clear that the petitioner was instructed to avail service of the assistance during the enquiry. But this opportunity was not availed by the petitioner. As already referred above, the appeal, revision and mercy petition received by the respondent have been properly replied by the authorities and as a Government servant, the petitioner was not supposed to leave the headquarters without the knowledge of the employer. It is the prolonged absence which paved way for removal of service of the petitioner that too after due enquiry. The petitioner was absent for a period of 493½ days for which enquiry was conducted and proved. It is also the contention of the respondent that the previous record of the petitioner was also shows that he was a chronic absentee right from his appointment and he was absent for more than 12 occasions which was specifically mentioned in the counter filed by the respondent. These facts were not denied by the petitioner. It is also pertinent to note that the petitioner was removed from service in April 1984 and he has exhausted his remedies before the department by Way of appeal and revision till the end of 1984. But thereafter the petitioner kept silent for more than 13 years. The present Industrial dispute was raised after 13 years from the removal of service of the petitioner. The petitioner has not stated any convincing or acceptable reasons for raising dispute after 13 years from removal of service.

(12) The petitioner has not specifically alleged that the enquiry conducted against him was not fair and proper. He only made allegation that he was not aware of the proceedings and not actively participated in the proceedings. As already referred above Ex.M.3 enquiry proceedings and the representations made by the petitioner

under Ex.M. 8 and Ex.M.10 would show that the petitioner was aware of the removal of service and he had participated in the enquiry proceedings conducted against him. Petitioner who was employed under the respondent which is a public organisation engaged in production unit it would be difficult for the administration to have person like petitioner to continue in employment who is chronic absentee. Based on the findings of the enquiry officer, the management has terminated the service for his proven misconduct and it is justified by order of dismissal and no interference is required by this Court. In view of the discussion referred above, the petitioner is chronic absentee who stayed away from duty and the removal of service of the petitioner is justified and these points are answered accordingly.

(13) Points No. 3 : In view of point No.1 & 2 are decided in favour of respondent and against the petitioner, the petitioner is not entitled for reinstatement with continuity of service, full back wages and all other attendant benefits and this point is answered accordingly.

(14) In the result, an award is passed in dismissing the Industrial Dispute. No costs.

Dated at Chennai, this the 15th day of March, 2006.

THIRU R. MUNIRATHINAM, Presiding Officer

List of witnesses examined

For the workman :

For the management

W.W.1/Thiru R. Krishnan M.W.1/Thiru V. Swamynathan

List of exhibits marked

For the workman :

Nil.

For the management :

Ex. M.1/12-12-83 : Copy of charge sheet issued to the petitioner.

Ex. M.2/6/7-2-84 : Copy of order issued to the petitioner.

Ex. M.3/20-2-84 : Copy of enquiry proceedings.

Ex. M.4/27-2-84 : Copy of enquiry findings.

Ex. M.5/26-4-84 : Copy of acknowledgement for receiving Ex. M.4.

Ex. M.6/ : Copy of dismissal order.

Ex. M.7/18-7-84 : Copy of mercy petition submitted by the petitioner.

Ex. M.8/15-9-84 : Copy of appeal dismissal order.

Ex. M.9/30-10-84 : Copy of mercy petition submitted by the petitioner.

Ex. M.10/17-12-84 : Copy of order in respect of petition.

Ex. M.11 : Copy of acknowledgement.

Ex. M.12 : -do-

नई दिल्ली, 26 जुलाई, 2006

का.आ. 3414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ अमेरिका के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुंबई के पंचाट (संदर्भ संख्या 15/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/127/1995-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2006

S.O. 3414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.15/1996) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Mumbai now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of America and their workman, which was received by the Central Government on 26-7-2006.

[No. L-12012/127/1995-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1 MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS, PRESIDING OFFICER
REFERENCE NO. CGIT-15 OF 1996

PARTIES: Employers in relation to the management
of Bank of America

And

Their workmen.

APPEARANCES:

For the Management : Mr. Chetan Desai,
Vice-President

For the Workman : Mr. Krishnan, Gen.
Secretary

State : Maharashtra

Mumbai dated the 6th day of July, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 and sub section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). *vide* Government of India, Ministry of Labour, New Delhi Order No.L-12012/127/95-IR(B-1) dt.10-6-1996 The terms of reference given in the schedule are as follows:

“Whether the action of the management of Bank of America in terminating the services of Shri. Bapu Shidu Shinde is legal and justified? If not, to what relief the workman is entitled to?”

2. Mr. Bapu Shidu Shinde (hereinafter referred to as Mr. Shinde) filed the Statement of claim dt. 20-8-1996 and subsequently dt 03-10-1996 as a reply to the written statement filed by the Bank of America. It is alleged that he was the workman of Bank of America since 26-12-1987 and that he was illegally terminated with effect from 20-2-1992 without any notice and without following the procedure prescribed in the Industrial Dispute Act 1947 (hereinafter referred to as the Act). Para 5 of the Statement of Claim dt. 20-8-1996 reads as follows :

“The workman says and submits that it has been observed by him and therefore surprised to learn that there is not a single sub-staff, while taking into account total staff strength of the Bank as on Pay-Roll today. Without any specified, justified and satisfactory reason the Bank has deliberately introduced Contract Labour System under various Heads such as courier agencies, Cleaning etc. affecting directly to only livelihood of sub-staff like workman, although sub-staff was in fact performing various duties assigned to him, satisfactorily earlier to the introduction of “contract system”.

3. Mr. Shinde has alleged that he was working as a Peon and was assigned various duties which were normally given to category of Peon. He worked continuously without any break up till the date of the termination. He was assigned various jobs and duties by the Department Heads, Executives, Officers and Sub-Executives, Managers, Asstt. Managers etc. of the Bank and was working under their control and supervision and also as per their direction/instructions, as and when given to him during working hours and was even asked to work very late and was asked to carry out duties at very odd hours for which he was paid extra wages. He was considered as a sincere, honest, loyal, duty conscious that he was assigned duties and responsibilities as a permanent staff and was asked or called on many times to work on odd hours, Sundays, Public holidays at the Bank as well as at residence of Vice-President, and other Senior Executives for attending their personal/official/semi official work which he was performing to the best of satisfaction of the said superiors. He was paid on Bank vouchers through which other permanent staff were also paid by the Bank. He was issued uniforms by the Bank which were normally and only given to staff workers on permanent basis. He was issued Identity Card by the Bank showing therein his photograph, I.D. Card No. 11871 dt. 26-2-1991. Considering his honesty and loyalty the Bank issued letter of Authority dt. 26-12-1987 addressed to Reserve Bank of India authorizing him to collect cheques on their behalf certifying his signature there in, in order to enable him to get Identity Card from National Clearance Cell, Mumbai.

4. The contention of the Bank of America (hereinafter referred to as the Bank) is that Mr. Shinde had never been an employee of the Bank. In fact, he was never employed

by the Bank. It appears that the Bank had given a contract to M/s. Kalappa Cleaning Contractors who had employed Mr. Shinde along with sixteen others and that his services along with sixteen others were terminated by the said Contractor since the contract came to an end sometimes in February 2002. The dispute had been raised at that time *vide* notice dt. 14-2-1992 by Bombay Gumastha Union through its General Secretary alleging illegal stoppage from work. Thereafter, the dispute was raised by Mr. Shinde independently through Maharashtra State Bank Employees Federation, Dady Seth House, Mumbai, which is not competent to raise dispute. It is contended that there is no relationship of employee and employer and hence the reference is not maintainable.

5. Mr. Shinde has filed his own affidavit in lieu of examination in chief in support of his claim of alleged employment by the Bank and illegal termination thereof. He has been cross-examined by the Counsel for the Bank. He has also filed certain documents which would be discussed later on. The Bank has examined Mr. Chetan Desai in lieu of examination in chief in support of its claim and he has been cross-examined by the representative of Mr. Shinde. The Bank has examined Mr. Kalappa Kanchan and filed certain documents as required by Mr. Shinde and also the copies of the correspondences filed before the Conciliation Officer.

6. I have heard the parties and have also perused the written submissions made by them. I have gone through the record.

7. The only point for consideration at the very outset is as to whether Mr. Shinde has proved himself to be the workman of the Bank or he was employed by the Contractor.

8. The grievances put forth by the Bank that the claim of Shri. Shinde cannot be espoused by Maharashtra State Bank Employees Federation does not appear to have any force. The Federation is authorized to espouse the claim under Section 36(k) of the Act. Even if, for the sake of argument it may be presumed that this Federation is not competent to espouse the claim, it makes no difference since it is not going to affect the merits of the case as Mr. Shinde has appeared in person and has contested the matter in person. He is being defended by the General Secretary of the Federation and that right cannot be denied.

9. In the case of Workman of Nilgiri Co-operative Marketing Society Ltd. and State of Tamil Nadu 2004(2) LLN 68 the Honourable Supreme Court held that :—

“Determination of the vexed questions as to whether a contract is a contract of service or contract for service and whether the concerned employees are employees of the contractors has never been an easy task. No decision of the Supreme Court has laid down any hard and fast rule nor it is possible to do so. The question in each case has to be answered having regard to the facts involved therein. No single test

be it control test, be it organization or any other test—has been held to be the determinative factor for determining the jurial relationship of employer and employee.

In order to determine employer-employee relationship, the control test and the organization test are not the only factors which can be said to be decisive and with a view to elicit the answer, the Court is required to consider several factors which would have a bearing on the result:

- (a) who is appointing authority;
- (b) who is the pay master;
- (c) who can dismiss;
- (d) how long alternative service lasts;
- (e) the extent of control and supervision;
- (f) the nature of the job;
- (g) nature of establishment; and
- (h) the right to reject.

It is a well settled principle of law that where a person sets up a plea of existence of relationship of employer and employee, the burden of proof would lie upon him.

The question whether the relationship between the parties is one of the employer and employee is a pure question of fact and ordinarily the High Court while exercising its power of judicial review shall not, interfere, therewith unless the finding is manifestly or obviously erroneous or perverse.

10. In view of the law quoted above, the primary burden lies upon Mr. Shinde to prove the existence of relationship of Employer and Employee. Now it is to be seen as to how Mr. Shinde has discharged this burden. On a perusal of the record, I find no evidence worth the name to infer for a moment that Mr. Shinde had been employed by the Bank at any point of time. Admittedly, no letter of appointment was ever issued nor anything is available on record to show any instructions/directions/supervision by the Bank to Mr. Shinde during the course of his employment. Nothing is available on record to show that Mr. Shinde “was paid the wages directly by the bank. Nothing is available, on record to show that the work of Mr. Shinde was ever supervised or that he was granted leave or that he was given any special benefits by the Bank. It was alleged that Mr. Shinde was issued uniform by the Bank but documentary proof thereof is not available on record. No reliable evidence is available on record that Mr. Shinde was paid the wages on vouchers. The copy of the Savings pass book is filed on record but on the perusal of the pass book it cannot be gathered that wages were directly credited to his Account by the Bank. This pass book is maintained since 1984 i.e. much before the alleged appointment in December 1987. There is a variance in the monthly deposit

and that goes unexplained. Much reliance is being placed by Mr. Shinde on the Identity Card issued by National Clearing Cell for Bank of America for collecting the payment of cheques. Reliance is also placed on the letters of correspondences which took place in between Assistant Labour Commissioner concerned and the National Clearing Cell and also the Bank of America. The National Clearing Cell informed the Asstt. Labour Commissioner that the ID card was issued by it and Mr. Shinde collected cheques for Bank of America during November, December 1988. The Entry card was also issued in this respect to Mr. Shinde. I feel the evidence of Identity card and a entry card is not by itself sufficient proof of the employment by the Bank. It only goes to show that Mr. Shinde was authorized for some period to collect the payments of Cheques on behalf of the Bank of America in Nov, Dec' 1988.

11. Besides the above, Mr. Shinde admitted in his cross examination that he was working with Kalappa Cleaning Contractor along with several other person. He also disclosed certain names of his co-workers. He also stated that it is correct to say that when I was working with Contractor I was getting much less amount by way of wages than the Peons who were working with the Bank of America. The averments made by him in para 5 of Statement of Claim (quoted above) implies that he was also a contract worker.

12. The dispute was raised at the initial stage by Bombay Gumastha Union vide notice dt. 14-2-1992 wherein the termination was alleged to have been made with effect from 07-2-1992. The date of termination as 07-2-1992 is in contradiction of the date of termination which is alleged to be 20-2-1992. The notice issued by Bombay Gumastha Union was issued to Bank of America as well as M/s. Kalappa Cleaning Contractors. It clearly goes to show that the employment was made by the Contractor and termination was made by the Contractor. This dispute was in respect of 17 workers. Now the dispute is raised only by Mr. Shinde and by none else. The dispute is now raised by the Maharashtra State Bank Employees Federation. It is the admitted position that Mr. Shinde had never been a member of this Federation and never paid any membership fee.

13. It is further contended on behalf of Mr. Shinde that the Bank did not file the copy of the contract alleged to have been there in between the Bank and the Contractor and hence it may be gathered that the plea of the Bank is false. I feel that this submission is sufficient to lead to the conclusion that there was no contract in between the Bank and the Contractor since now clear that Mr. Shinde worked with the Contractor. There is nothing on record to show as to when Mr. Shinde was appointed by the Bank independently from the Contractor. There is nothing on record to show that Mr. Shinde was terminated by the Bank and not by the Contractor. It may also be mentioned that Mr. Kalappa Kanchan appeared in person and stated on oath that he was running a business in the name of Kalappa Cleaning Contractors. He also stated that there was a contract with the Bank for the work of cleaning tables, carpets, house keeping etc. Mr. Shinde was working under

him as a part-time sweeper. He worked for about six hours and he used to get Rs. 450/- p.m. He was cross examined by Mr. Nair on behalf of Mr. Shinde wherein he stated that his Company was registered under the Municipal Act. He was unable to produce the copy of the Agreement with the Bank. He identified Mr. Shinde who was present in the Court and stated that he was working under him. It shows that Mr. Kalappa Kanchan remembers the face of Mr. Shinde.

14. Considering the entire evidence available on record and keeping in mind the legal position, I conclude that the evidence available on record is wholly insufficient to conclude that Mr. Shinde was a workman of the Bank. Mr. Shinde worked for about five years for the Bank through Contractor. He was never paid the wages by the Bank nor his services were supervised by the Bank. Merely, because he was issued identity card or Entry card, he could not be said to be the employee of the Bank under the law. It is not a case where Mr. Shinde who worked for more than 240 days in a year would become automatically the workman of the Bank. Hence it is concluded that the relationship of employer and employee is not there and that being so, reference is not maintainable.

15. The evidence in respect of other points raised in this reference loses its value since Mr. Shinde is not found to be the workman of the Bank. Had he been found the workman of the Bank he could not be dismissed from service in the manner as done in the instant case, since he is being dismissed without any notice and without following procedure prescribed under the Industrial Dispute Act.

16. In view of the above, I conclude that Mr. Shinde is not entitled to any relief. The reference is dismissed.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 27 जुलाई, 2006

का.आ. 3415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असनसोल के पंचाट (संदर्भ संख्या 11/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-07-2006 को प्राप्त हुआ था।

[सं. एल-22012/7/1994-आई आर(सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 27th July, 2006

S.O. 3415.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/1994) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the annexure in the Industrial Dispute between the employers in relation to the management of ECL of and their workman, which was received by the Central Government on 27-07-2006.

[No. L-22012/7/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL**

PRESENT: Sri Md. Sarfaraz Khan,
Presiding Officer.

REFERENCE NO. 11 OF 1994.

PARTIES: The Agent, Parbelia Colliery of Mis. ECL,
Nituria, Purulia.

Vrs.

Shri Paresh Ball, Ex. Tyndal of Bhamuria Unit, Parbelia Colliery, Nituria, Purulia.

REPRESENTATIVES:

For the management : Sri P. Banerjee,
Advocate.

For the union (Workman) : Sri A. K. Ghatak,
Advocate.

INDUSTRY: COAL STATE : WEST BENGAL.

Dated the 22-06-2006.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/7/94 - IR(C-II) dated 28-04-1994 has been pleased to refer the dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Bhamuria Unit of Parbelia Colliery in terminating the services of Shri Paresh Ball, with immediate effect without issuing charge sheet, holding domestic enquiry is legal and justified? If not, to what relief is the concerned workman entitled to?"

After having received the Order No. L-22012/7/94 - IR(CII) dated 28-04-1994 of the said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case NO. 11 of 1994 was registered on 09-04-94 and accordingly an order was passed to issue notices to the respective parties through the registered post directing them to appear and file their written statements along with the documents and list of witnesses in support of their cases. Pursuant to the said order notices were issued to the parties concerned through the registered post.

On perusal of the record it transpires that Shri A. K. Ghatak, Advocate, for the workman and Shri P. Banerjee, Advocate for the management appeared and filed their written statements in support of their claims. The record further directs that both parties had filed some documents and affidavits of the witnesses in support of their claims.

From perusal of the record it is clear that on 24-08-2004 both parties present and they had prayed for time for argument and accordingly their prayer was allowed but subsequently on several dates the workman was himself was present but his lawyer was not present and accordingly adjournments were granted on this ground and finally the 08-06-05 was fixed for appearance of the parties along with their lawyer for argument but nobody turned up on 8-6-05 to represent the workman. There after

several dates were fixed for their appearance but nobody turned up continuously six dates to represent the workman. These all facts go to show that the union or the workman has got no interest to proceed with the case further. In such circumstance it is not advisable to keep the record pending any more. As such it is hereby

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 27 जुलाई, 2006

का.आ. 3416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 141/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-07-2006 को प्राप्त हुआ था।

[सं. एल-22012/338/2001-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 27th July, 2006

S.O. 3416.—In Pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.141/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the management of Food Corporation of India of and their workman, which was received by the Central Government on 27-07-2006.

[No. L-22012/338/2001-IR (C-II)]

AJAY KUMAR GAUR, Desk Office

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR**

PRESENT: SHRI A.N. YADAV, Presiding Officer

Case No. CGIT/NGP/141/2002

Date: 29.06.2006.

The District Manager, Food Corporation of India.

Versus

The Secretary, F.C.I.'s Employees Association

AWARD

Central Government satisfying about the existence of dispute between party No 1 Food Corporation of India and its employee party No. 2. Represented by FCI employees association, referred the dispute for adjudication to this Tribunal under Section 10 of Industrial Disputes Act calling to submit the Award to it. Along with the dispute the following schedule is attached "Whether the action of the management of Food Corporation of India through its Distt. Manager, Nagpur in not reimbursing the 4% of mortgage amount towards the advances sanctioned of the

purchase of two wheelers as per sanction order dated 28-04-99 is legal and justified? If not to what relief they are entitled to?"

The reference came before the Tribunal for hearing on 28.06.06 and the Tribunal after hearing both the parties decided it. It seems that the workman had claimed 4% of mortgage amount towards advance sanctioned for the purchase of two wheelers. The management has made the reimbursement to the worker as per his claim and thus settled the dispute. Both the parties have submitted a joint pursis informing that they have settled the matter and no dispute award be passed. It seems that consequent upon the settlement there remain no dispute. Hence the Tribunal allows their settlement and passed no dispute award.

Transmit.

SHRI A. N. YADAV, President

Schedule

Witness for petitioner— Nil

Witness for respondent— Nil

Exhibits for petitioner— Nil

Exhibits for respondent— Nil

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 11, चंडीगढ़ के पंचाट (संदर्भ संख्या 1070/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-07-2006 को प्राप्त हुआ था।

[सं. एल-42012/72/1989-आईआर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3417.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1070/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of B. B. M. B. and their workman, which was received by the Central Government on 31-07-2006.

[No. L-42012/72/1989-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 1070/2k5

Registered on 20-09-2005

Date of Decision 19th July, 2006.

PRAKASH CHAND C/o C-69, BMS-INDUSTRIAL AREA, MOHALI (ROPAR)

PETITIONER

Versus

THE CHIEF ENGINEER, BHAKHRA BEAS POWER HOUSE DIVISION,
BHAKRA BEAS MANAGEMENT BOARD,
NANGAL TOWNSHIP, ROPAR.

RESPONDENT

APPEARANCE

For the Workman : Mr. Dhiman.

For the Management : Mr. C. Lal, Advocate.

AWARD

The Government of India vide notification No.L42012/72/89 dated 15th Jan., 1998 referred the following matter for the consideration of this Tribunal. In this reference an amendment was made by the appropriate Government vide their No.L-42012/72/89-IR(DU) dated 23rd July, 2002 and the date of termination of services of the workman was corrected to be 1st May, 1985 instead of 1st Aug., 1985, shown in the notification dated 15th Jan., 1998.

"Whether the demand of Shri Prakash Chand, Ex-T. Mate, who was terminated from service w.e.f 1-5-1985, for reinstatement by the Management of BBMB, is justified? If yes, to what relief he is entitled to and from what date?"

The notice of the reference was given to the parties to appear through their representatives. The workman filed the Claim Petition dated 25th May, 1990 to which the Management filed the Written Statement on 24th April, 1991. The workman filed the re-application and the parties their affidavits on different dates. The workman also came in the witness box and proved his affidavit whereas the Management examined Sh. C.L Khungar, Assistant Director as their witness.

The claim of the workman is that he had joined service with the management as T-Mate on 2nd July, 1965, at a salary of Rs.70/- per month and his services were terminated w.e.f 31st Aug., 1968. However, he remained in touch with the Management and he was re-employed on 9th Jan., 1965. He served them upto 30th April, 1995. The Management again terminated the services of the workman vide their notice dated 16th April 1985, after giving him 10 days notice. It is the case of the workman that he was neither given any notice nor any charge sheet before the termination of his services. They also did not hold any inquiry before terminating his services and also did not pay any compensation. The Management further violated the law while retaining the juniors of the workman in service, who are still in service and have been regularized. It is also his case that the work for which he was recruited in the year 1965, is of permanent nature and is still going on. The Management by their conduct has deliberately terminated the services of the workman, therefore, he is entitled for reinstatement in the original post with the benefit of continuity of service and back wages.

The management has opposed the claim of the workman. According to them the reference is itself is bad in law as there existed no Industrial Dispute between the parties. On merits, the Management admitted that the

petitioner had worked as a work charged from 2nd July, 1965 to 31st Aug., 1968, under the control of Punjab-State Electricity Board; and that he was re-engaged for a temporary work on 11th Jan., 1985 and was discharged on 30th April, 1985, on the completion of work which was temporary in nature. Since the workman had been discharged in accordance with the terms and condition of his service, therefore, there was no occasion to hold an inquiry against him or to issue notice or charge sheet or pay compensation, as it was not required under rules. Since the workman was employed for specific works his services were disengaged on the completion of the said work. They denied that the juniors of the workman were retained and his services were terminated. They have contested that there was only small break in his service and stated that it was a break of 17 years, which was made a condition in his appointment letter and the workman had accepted it. Now he cannot challenge that condition.

The workman in his re-application did not raise any substantial matter and reiterated the facts stated in the Claim Petition. He, however, pleaded that the termination of his services, just after three and half months on 30th April, 1985, was an unfair labour practice, practiced by the Management. He also claimed that his re-employment should not be taken as fresh appointment, but a continuous one. Even otherwise the workman remained available for appointment.

I have gone through the file and have also considered the arguments of the Counsel of the parties.

The issue before this Court is to find out whether the workman is entitled for reinstatement w.e.f. 1st May, 1985, on which day his services, were terminated by the Management, if so, to what relief he is entitled to?

The facts which are not disputed by the parties are that the workman served the Management from 2nd July, 1965 to 31st August, 1968 as T. Mate and he was re-employed on 9th Jan., 1985 but his services were terminated on 30th April 1985 without any notice, inquiry, compensation or charge sheet. It is this termination which the workman has challenged as in violation of provisions of Sec.25 of the Industrial Disputes Act. Section 25-F of the Act relied upon by the workman reads as under :—

Section 25-F. Conditions precedent to retrenchment of workmen:- No workman employed in any industry who has been in continuous service for not less than, one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given on month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as

may be specified by the appropriate Government by notification in the Official Gazette).

A bare perusal of this Section shows that the *sine qua non* for the workman to get the relief under the section is his having put in at least 240 days service in the year preceeding the date of his alleged termination. No workman who does not fulfill this requirement can get relief under this Section. In this case it is the admitted case of the parties that the workman has put in his service of 112 days to the Management on the day his services were terminated. The law is well settled that Industrial workers who do not complete 240 days service have no Industrial right under the ACT and cannot, therefore, and of the Machinery provided under the ACT for the settlement of their disputes. The policy of the Act draws distinction between those with service of 240 days and more and others with less. It was not necessary for the Management in the present case to comply with the provisions of Sec. 25-F before dispensing with the services of the workman as he admitted to have rendered less than 240 days of service. Thus, the workman has failed to show that he is entitled to the relief of reinstatement by the Management as his termination from service on 1st May, 1985 was bad in law. Since the workman did not put in the service of 240 days, therefore, he is not entitled to the protection of Sec. 25-F of the ACT.

It is also urged on behalf of the workman that the Management further, violated the provisions of the ACT by retaining his juniors and terminating his services. This may be so but since the dispute regarding claim under Sec. 25 (G) of the Act has not been referred to this Tribunal, therefore, it cannot be adjudicated upon. It is well settled that the Labour Courts and Tribunals under the ACT are not Courts of plenary jurisdiction and the limits of their jurisdiction are circumscribed by the provisions of Sub-Sec. 4 of Sec.10 of the ACT, according to which the Labour Court has to confined its jurisdiction to the points of disputes specifically referred to it under Section-10 Sub-Sec. 1 of the Act. What is referred in this case is a dispute relating to the termination of services of the workman and not the dispute which he has raised through his Claim Petition. The Claim under Sec. 25-G of the Act is based upon different cause of action and can be gone into by the Labour Tribunal only if a reference is made in this regard and not otherwise. It cannot be described as a matter incidental to the dispute relating to the termination. In this regard I am supported by the judgment of Punjab & Haryana High Court in the case of Karnal Central Cooperative Bank Ltd. Karnal V/s Presiding Officer and others, reported as Punjab Law reports volume CVI (1994-1) 310.

After considering the pleadings of the parties, their evidence and the submissions made by them I am of the opinion that the workman is not entitled to any relief. His demand for reinstatement in service with the BBMB w.e.f 1st May, 1985 is not justified, therefore, he is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3418.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी एस डी कैंटीन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 29/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-14012/55/2003-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3418.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.29/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of CSD Canteen and their workman, which was received by the Central Government on 31-07-2006.

[No. L-14012/55/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 29/2K4

Registered on 23-7-2004

Date of Decision 13-3-2006

Smt. PROMILA W/O LATE SHRI SUNIL KUMAR
R/O BAHU AKBARPUR,

TEHSIL & DISTT. ROHTAK

---Petitioner

Versus

MINISTRY OF DEFENCE, D-MOVE, SENABHAWAN,
NEW DELHI, PIN CODE—110001

---Respondent

APPEARANCE

For the Workman Mr. ASHWANI BAKSHI

For the Management Mr. ARUN WALIA, Advocate

AWARD

The Govt. of India vide their notification No.L-140 12/55/2003-IR(DU) dated 6th July, 2004 referred the following matter for the consideration of this Tribunal:

"Whether the action of the Management of CSD Canteen Rohtak in terminating the services of

Smt. Promila w/o Sh. Sunil Kumar, Sales Woman w.e.f. 1-7-2002 is just & Legal? If not, to what relief the workman is-entitled to?"

On a notice from this Court the parties appeared and the workman filed Claim Petition on 24th Sep., 2004, Management filed the Written Statement on 9th Feb. 2005.

The parties filed the affidavits of persons they desired to produce as their witnesses. The workman amended her Claim Petition with the permission of the Court. The Management did not file fresh written statement and it was stated by them that they have already filed the Written statement to what. The workman has now added in the Claim Petition. The workman appeared a witness whereas the management produced Shri J. S. Suhag, the Accountant of the canteen as a witness for the Management.

I have gone through the file and have also considered the arguments of Counsel of the parties.

Supporting the reference, made by the appropriate govt. the workman filed the Claim Petition and submitted that her husband, late Shri Sunil Balhare was appointed as Salesman, CMC, CSB, Canteen, Rohtak w.e.f. 1st July, 1994, who died in a road accident on 2nd March 1998. He served the Management till 1st March, 1998; that the Management offered the workman the job of Saleswoman-cum-Cashier vide their letter No.370/Est./Canteen dated 30th March 1998; that the Management made the appointment only for a year and without considering the liability of minor children of her deceased husband, the Management illegally restricted the appointment for one year although the job given to the workman was of permanent nature; that the workman served the Management upto 30th, June 2002. The Management issued the sanctions of appointment from time to time, after obtaining applications from the workman. The Management, by adopting this course, always tried to show that the appointment of the workman was contractual. Suddenly the Management terminated the services of the workman on 1st July, 2002 without assigning any reason and in violation of provisions of Industrial Dispute Act 1947, hereinafter to be referred as "Act". The Management, however, did not issue a written order. They also violated the provisions of Sec.2, (2a) 25-F, G, T & U of the Act.. They also violated the terms and condition of service of URC Employees issued vide letter of Quarter Master General Branch under No.96029/Q/DDGCS dated 14th Sep., 2001; that the workman had continuously served the Management from 1st April, 1998 to 30th June, 2002 and was drawing Rs.3400/- per month as salary at the time of termination of her services. Claiming that she is without job since the day of termination of her services, it is further stated by her that the Management retained Miss Dilbag Singh, Rajinder Singh Ahrawat and Umesh Chand Dangi, although they were juniors to her in service. She has prayed for deciding the reference in favour of the workman, grant relief of re-instatement with continuity of service and full back wages.

The Claim of the workman has been opposed by the Management. They have taken the preliminary objections to the maintainability of reference. It is their claim that since the Management is not an Industry, therefore, the reference is not maintainable; that the workman was engaged on contract which was not renewed after 1st July, 2002, therefore, her disengagement did not fall in the category of retrenchment. They have also claimed that since the performance of the workman was not upto the mark, therefore, her contract was not extended.

On merit, it is claimed by them that the engagement of the husband of workman was also on the same terms and conditions, on which the workman was engaged; that the workman was engaged purely on contract basis. She was to be on trial, initially for three months which period was extended further for three months. According to the Management, the workman lacked the basic qualities of politeness, generosity and kindness as Saleswoman and was warned to improve her conduct. Without admitting that the service contract of the workman was not extended after 1st July 2002, it is stated by the Management that the non-extension of contract from 1st July, 2002 could not mean as retrenchment. Denying the contents of other paras of the Claim Petition, it is stated by the Management that no civilian was appointed after the non-extension of service contract in favour of the workman. They have prayed for answering the reference against the workman and in favour of the Management.

The facts which can be stated to be admitted facts in the pleadings of the parties are that on the death of husband of the workman which took place on 2nd March, in a road accident, she was appointed as a Sales Woman on 30th March, 1998. There is no denying of the fact that the workman was initially recruited for one year but she continued serving, in that capacity without a break upto 30th June, 2002. The Management has further admitted that the engagement of the workman was solely on compassionate grounds. Without admitting that the workman served upto 1st July 2002, it is stated by the Management that the contract of service of the workman was not extended beyond 1st July, 2002. According to them the ending of contract period could not be styled as retrenchment. They have placed on record the photo-copies of the applications claimed to be made by the workman from time to time for extension of contract of service. The case of the Management is that the workman was engaged purely on contract basis, on compassionate grounds on the death of her husband & that the contract of service was not renewed after 1st July, 2002. Therefore, the workman was not retrenched by the Management, rather she automatically got disengaged on the expiry of the period of contract of service. The Management has taken the support of Sec. 2(oo)(bb) of the ACT which reads as under :

“Retrenchment” means the termination by the employer of the service of a workman for any reason

whatsoever, other wise than as a punishment inflicted by way of disciplinary action but does not include termination of the services of the workman as a result of the non-renewal of the contract of employment between the employer & the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein”.

The issue of disengagement of workman due to non-renewal of contract fell for the consideration of the Allahabad High Court in the case of Shailendra Nath Shukla V/s Vice Chancellor Allahabad University reported as 1987 Lab IC 1607(AII)(DB). Their lordship observed that sub-cl. (bb) is in the nature of an exception to Sec. 2(oo) and has to be construed strictly and in favour of the workmen, as the entire object of the Act is to secure a just and fair deal to them while adjudicating on the termination of the service of a workman for non-renewal of the contract of employment, on expiry of the time stipulated in it. The nature of employment must be judged by the nature of duties performed by the workman and not on the basis of the letter issued by the employer. Section 2(oo) (bb) cannot be extended to cases where the job continues and the employee's work is also satisfactory, but periodical renewals are made to avoid giving a regular status to the workmen, as it would be an ‘unfair labour practice.’ If contractual employment is resorted to as a mechanism to frustrate the claim of the employee to become regular or permanent against a job which continues, or the nature of duties is such that the colour of a contractual agreement is given to take it out from Section 2(oo), then, such agreement cannot be regarded as “fair or bona fide.”

A similar view has been taken by a single judge of a Bombay High Court, in Dilip Hanumantrao Shrike Vs. Ziila Parishad, Yavatmal, 1990 Lab IC 100, 103(Bom). It is held their lordship that the mere fact that the contract of employment provided for termination by efflux of time, would not by itself be sufficient to take such terminations out of the scope of the definition of ‘retrenchment’. The adjudicator has to address himself to the question as to whether the period of employment was stipulated in the contract of employment as a device to escape the applicability of the definition of ‘retrenchment’. Likewise, as single judge of the Punjab & Haryana High Court, in Balbir Singh v Kurukshetra Central Co-op Bank Ltd. (1990) 1 LLJ 443, 445 (P&H) has pointed out that this clause, being in the nature of an exception, cannot be given a meaning which will nullify or curtail the ambit of the principle clause, because it is not intended to be an outlet for unscrupulous employers to shunt out workmen in the grab of non-renewal of their contracts even if the work subsists. The clause, therefore, has to be construed strictly in favour of the workman, as far as possible. This provision cannot be resorted to, to frustrate the claim of the employee against an uncalled for retrenchment or for denying other benefits. In other words, it is not to be so interpreted as to enable an

employer to resort to the policy of 'hire and fire' and give unguided power to him, to renew or not to renew the contract, irrespective of the circumstances in which it was entered into or the nature and extent of the work for which he was employed. It has to be interpreted to limit it to the case where the work itself has been accomplished and the agreement of hiring for a specific period was genuine. If the work continues, the non-renewal of the contract has to be dubbed as mala fide.

It can be seen that various High Courts, using interpretative techniques, have mellowed down the rigor of the bare reading of the statute. In Shailendra Nath Shukla V/s Vice-Chancellor, Allahabad University (supra) a Division Bench of the Allahabad High Court observed that sub-cl (bb) is in the nature of an exception to S 2(00) and has to be construed strictly and in favour of the workmen, as the entire object of the Act is to secure a just and fair deal to them, while adjudicating on the termination of the service of a workman for non-renewal of the contract of employment, on expiry of the time stipulated in it. In Madhya Pradesh Bank, Karamchari Sangh V/s Syndicate Bank reported on 1996 Lab, ic. 1161 on a review of the law as laid down by the Supreme Court and by various High Court, a single judge of the Madhya Pradesh High Court has stated the following principles of interpretation and application of the provisions of this clause :—

- (i) that the provisions of Sec. 2(00), (bb) are to be construed benevolently, in favour of the workmen;
- (ii) that if the workman is allowed to continue in service by making periodic appointments, from time to time, then it can be said that the case would not fall under Sec. 2(00)(bb);
- (iii) that the provisions of Section 2(00)(bb) are not to be interpreted in a manner which may stifle the main provision;
- (iv) that if the workman continues in service, the non-renewal of the contract can be deemed as mala fide and it may amount to be a fraud on the statute;
- (v) that there would be a wrong presumption of non-applicability of Section 2(00)(bb), where the work is of a continuous nature and there is nothing on record to show that the work for which a workman had been appointed has come to an end.

There is therefore, almost consensus in the judgements of the Supreme Court of India and various High Courts that the provisions of Sec.2 (00) (bb) of the Act are to be construed in favour of the workman and if the workman is allowed to continue in service, the non-renewal of the contract can be deemed as mala fide and it may amount to be a fraud on the statute. It is further the view that where the work is of a continuous nature and there is nothing on record to show that the work for which a workman had been appointed has come to an end, then

the presumption of applicability of Sec.2(00)(bb) of the Act does not arise. Keeping this settled principle of law in mind, I proceed to examine the case of the workman under consideration.

The parties have not disputed that the workman was appointed on 30th March, 1998, on the death of her husband, who met with an accident on 2nd March, 1998; and that she continued serving the Management till 1st July, 2002. Therefore, she served the Management for over four years continuously although her appointment was renewed from time to time and the Management ensured the completion of a formality of making application for renewal of the contract. The manner in which the services of the workman were renewed and the manner which she was allowed to continue, clearly suggests that she had been appointed as a regular employee and the requirement of making the applications and renewing the contract was merely a formality. Mr. J.S Suhag, who appeared as a witness for the Management, in his statement stated that as per the eligibility criteria shown in M-10, a civilian could be appointed in the canteen service but the preference was to be given to ex-servicemen. He further admitted that the husband of the workman was not an ex-serviceman and was a civilian. He further admitted that he had not seen the workman working he having joined the service in June 2004, therefore, he has no personal knowledge about the working of the workman. He further admitted that one Dilbag had joined service later than Promila, the workman and Rajinder Singh, Ramesh Dangi were also engaged after her exit.

In this case the work allotted to the workman was of permanent nature which continued even after the workman was disengaged. The work is being performed even now. Then what were the reasons that the contract of the workman was not renewed after 30th June, 2002. If it was because, as is alleged, that her performance was not upto the mark, then she should have been given the opportunity to explain her conduct. An inquiry should have been conducted providing sufficient opportunity to the workman to explain her conduct. Nothing such is shown to have been done this case. Then there are letters of extension of service of the workman dated 1st April, 2000, & 31st March, 2001 which reads "Keeping in view of your past satisfactory service rendered by you in the Canteen you are hereby granted appointment against the post of sales woman." From these letters it is clear that the service of the workman was satisfactory that is why she was given extension in service. The Management alleged that the performance of the workman was not upto the mark. They have placed on record Annexure N/RR4 dated 16th May, 2000. This complaint was shown to be made by some ex-serviceman and is not signed by anyone, therefore, it was an anonymous complaint which have been made basis by the Management to claim that the conduct of the workman was not appraised. There is nothing to show that an inquiry

on the basis of the complaint was held and what was the result of that inquiry. The very opening work of the complaint shown that it was manipulated by some ex-serviceman so as to enter in the service of the canteen or he was not happy that the workman has been given job in the canteen. Interestingly, after this complaint also the Management granted extension in service in favour of the workman on 31st March, 2001 keeping in view her past service rendered in the canteen. Thus, it shows that the complaint made had no effect on the service of the workman.

The Management has also placed on record photocopies of warning letters dated 5th April, 23rd June & 16th August, 2000, But even after those warning letters the services of the workman were extended on 31st March, 26th Sep., 2001, 1st Jan., & 2nd April, 2002 this itself speaks that anonymous complaint and the warning letters were considered by the management and found to be having no effect on the service of the workman.

From the statement of the witness of the Management it is clear that the services of the workman, who had put in four years of service, were terminated suddenly on 1st July, 2002 without giving her the notice, without paying her the compensation & without complying with the provisions of the Sec. 25 of the "ACT". There is no evidence on record to support the claim of the Management that the services of the workman was not satisfactory, therefore, for that reason her service contract was not renewed. The witness of the Management showed lack of knowledge about the working of the workman, even on the basis of the record of the Management. The Management has thus failed to prove the warning letters dated 5th April, 2000, 23rd June, 2000, 16th August, 2000, which they claim had been served upon the Management. Since the Management has failed to show that the warnings were issued to the workman and if so, whether she had been given the opportunity to explain her conduct and whether in that regard any inquiry was held and what was the finding of the inquiry officer. In the absence of any proof in this regard, the allegation of want of good behavior on the part of workman seems to be an afterthought. Had there been any such allegation the person making the same should have been identified and the workman should have been given appropriate opportunity to explain her position.

After considering the pleadings of the parties, the evidence available on record I am of the opinion that, non-renewal of contract of service of the workman w.e.f 1st July 2002 by the Management amounted to her retrenchment in services defined by section 2(oo) & the facts of the case do not suggest that it was not a case of retrenchment and was a termination of service as a result of non-renewal of contract after the expiry of the period for which the workman had been engaged. Neither it is claimed nor proved that the Management had followed the provisions of Sec.25-F of the "ACT" before terminating the services of the workman. Thus the Management violated the provisions of Sec. 25-F, by failing to give one month's notice in writing to the workman indicating the reasons for her retrenchment and by further failing to pay her the retrenchment compensation and giving notice to the appropriate govt. about the proposed termination. The termination of the workman on 1st July,

2002 therefore, was bad in law and the same is quashed. She is treated to be in service continuously as if there was no disengagement of the workman from 1st July, 2002.

The workman in her statement has claimed that she is doing household duty since the day of her retrenchment and is not employed anywhere. The Management has not shown either by cross-examining the workman or by any other evidence that the workman had remained gainfully employed all through this period and therefore, she is not entitled to the back wages. Considering all these facts, I further hold that the workman is entitled to full back wages which she would have got what for her disengagement by the Management. The reference is answered in these terms. Let a copy of this award be sent to the appropriate govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक/श्रम न्यायालय नं.-11, चंडीगढ़ के पंचाट (संदर्भ संख्या 723/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/156/2002-आई आर(डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3419.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.723/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government

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31-07-2006.

[No. L-40012/156/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II
CHANDIGARH**

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D.No.723/2k5

Registered on 28-03-2003/1-09-2005.

Date of Decision 14-7-2006

**IQBALSINGH C/o SHRI N. K JEET, 27349, LAL
SINGH BASTI ROAD, BHATINDA(PUNJAB)**

—PETITIONER

Versus

D/o TELECOM, SANCHAR BHAWAN, NEW DELHI-110001.

—RESPONDENT

APPEARANCE

For the Workman : Nemo
 For the Management : Mr. G. C. Babbar,
 Advocate.

AWARD

The Govt. of India vide their notification No.L-40012/156/2002-IR(DU) dated 23-12-2002 referred the following matter for the adjudication of this tribunal:

“Whether the action of the Management of General Manager (Maintenance), BSNL, Jalandhar in terminating the services of Shri Iqbal Singh S/o Shri Bhajan Singh, workman w.e.f. 1-9-99 is just and legal? If not to what relief the workman is entitled to and from which date?”

After the notice, the parties appeared. The workman filed the C/P to which the Management filed the reply. The case was at the stage of filing the affidavits when the workman stopped appearing in the case. He was issued notice under R/C vide postal receipt No. 622 dated 16 May, 2006. The workman is not present today nor the notice sent to him has been received back unserved. Since the statutory period, to presume the service of the workman is over, and the R/C carrying the notice has not been received back unserved, it is presumed that the notice has been served upon the workman, but he has chosen not to appear. This shows that he has lost interest in the case.

The appropriate Govt. desired to know whether the termination of services of the workman by the Management on 1st Sep., 1999 was just and legal and if not, to what relief the workman is entitled to? Except filing the Claim Petition, the workman has not produced any evidence to show that his termination was bad in law. The averments made by the workman, in the Claim Petition, are totally denied by the Management. There is, therefore, no evidence to show that the order of termination was bad in law. As such the workman is not entitled to any relief. The award is passed against him. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक/अधिकरण नं.-11, चंडीगढ़ के पंचाट (संदर्भ संख्या 962/2K5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/80/1995-आई आर(सी-11)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3420.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.962/2K5) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 31-07-2006.

[No. L-22012/80/1995-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, CHANDIGARH**

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. NO. 962/2005

Registered on 15-09-2005

Date of Decision 14-07-2006.

President Nangal Bhakra Mazdoor Sangh, Nangal
 Township

--Petitioner

Versus

Chairman BBMB, Sector-19, Madhya Marg,
 Chandigarh.

--Respondent

APPEARANCE

For the Workman: Mr. R.K. Singh Parmar,
 A.R.
 For the Management : Mr. C.L Sareen,
 Advocate.

AWARD

Parties are present through their representatives.

The representative of the workman has made a statement at bar that as per the instructions of the workman he is not interested to prosecute this petition. The notice of the statement has been taken by the Management.

The Govt. of India vide their notification No. L-22012/80/95-LIR(C-II) dated 6th Nov., 1995 referred the following matter for the adjudication of this Tribunal:—

“Whether the demand of Nangal Bhakra Mazdoor Sangh, Nangal Township vide their letter dated 12-02-1994 demanding relief from Management of BBMB is justified? If not, to what relief the concerned workmen are entitled?”

After the notice of the reference the parties appeared. They filed their pleadings and affidavits in support of their respective claims. Even the statement of one of the workman, Malook Singh, was recorded but today the representative of the workmen in his capacity as Secretary of the Petitioner

Union, and who had filed the claim, stated that due to the passage of the time the workmen are not interested to follow their claim. In view of the statement there is no justification to proceed in the matter further. The reference is answered in these terms that the claim of Nangal Bhakra Mazdoor Sangh, Nangal Township dated 12th Feb, 1994 is not justified as haying not been pressed. Therefore, they are not entitled to any relief. The award is, therefore, passed. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. जी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक/अधिकरण नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 705/2K5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-23012/3/1999-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3421.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.705/2K5) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 31-7-2006.

[No. L-23012/3/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I.D. No. 705/2k5

Registered on 25-08-2005

Date of Decision 17-07-2006.

Ram Dass C/o R. K Singh Parmar, 35-G, Nangal
Township, Distt. Ropar (Punjab), Ropar

...Petitioner

Versus

The Chief Engineer, Bhakra Dam, Nangal Township,
Distt. Ropar, Punjab

....Respondent

APPEARANCE

For the Workman: Mr. R.K Singh Parmar

For the Management: Mr. Rajinder Singh,
Advocate.

AWARD

The workman continues to be absent. He was given notice under R/C under Postal Receipt No.251 dated 1st May, 2006 calling upon him to appear in the case today the 17th July, 2006. He is neither present in person nor through representative. There is also no prayer on his behalf for adjournment. The record of the file is a witness that the workman never appeared in the case in person. He prosecuted his case through Shri R.K Singh Parmar, who also stopped appearing in the case later on. I do not find any authority letter to show that the workman had authorized Mr. R.K Parmar to appear as his representative in this case. Virtually, the workman has remained absent although these proceedings.

The Govt. of India vide notification No.L-23012/3/99/IR(CM-II) dated 31st Jan., 2000 desired of this Tribunal to find out whether the action of the Management of BBMB in terminating the services of Shri Ram Dass S/o Moolak Ram w.e.f 15th Nov., 1998 was just and legal? If not, to what relief the workman is entitled and from which date.

The workman supported the reference by his Claim Statement and submitted that he had served the Management from 17th Feb., 1998 till 15th Nov., 1998 as daily wages Mazdoor; and that he had put in continuous service of 270 days, but the Management terminated his services, in violation of Sec. 25-F of the Industrial Dispute Act, hereinafter to be referred as "ACT". They further violated the provisions of Sec.25-G and 25-N as they retained the juniors of workman whereas his services were terminated. The Management, by their Written Statement dated 25th May, 2002, denied the claim of the workman. They filed the affidavit of their Resident Engineer, Himmat Singh. The workman filed his affidavit. The workman also appeared as a witness on 17th June, 2005, but thereafter he absented. He has not come forward to cross-examine the witness of the Management.

On record, I find only the statement of the workman whereas the workman has not appeared to cross-examine the witness of the Management. In his statement, the workman could not stay when he was engaged as unskilled daily wager. He also admitted to have signed on Exhibit WX-1, WX-2, WX-3 & WX-4. A perusal of these documents show that the workman had accepted the post of unskilled Mazdoor as daily rated worker in terms of the letter of the Management as contained therein. This shows that the workman was engaged for a specified work and for specified period from 1st Nov., 1996 to 31st Jan., 1997, from 23rd May, 1997 to 18th July, 1997 and from 17th Feb., 1998 to 14th Aug., 1998. Thus he did not work for the

Management continuously from 17th Feb., 1998 to 15th Nov., 1998 as is claimed by him. There is, therefore, no evidence produce by him to show that the Management had terminated his services on 15th Nov., 1998, without any justification and the order of his termination was bad in law. The workman is, therefore entitled to no relief. The award is passed in these terms. Let a copy of it be sent to the appropriate govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक/अधिकरण नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 32/2K4) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/152/2003-आई-आर(सी एम-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3422.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2K4) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Chandigarh as shown in the annexure in the Industrial Dispute between the management of Central Public Works Department, and their workmen, received by the Central Government on 31-07-2006.

[No. L-42012/152/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I. D. No.32/2004

Registered on 17-8-2004/30-11-2004

Date of Decision 14-7-2006

Mukesh S/o Shri Chattar Singh, C/o All India CPWD (MRM) Karamchari Sangathan (Regd. 4823, Balbir Nagar Extension, Gali No. 13,

...Petitioner

Versus

M/o Urban Development, Nirman Bhawan,
New Delhi-110001

....Respondent

APPEARANCE

For the Workman : Mr. S. D. Sharma

For the Management : Mr. Pramod Kumar,
Advocate.

AWARD

The Govt. of India vide their notification No. L 42012/152/2003-IR(CM-II)) dated 05-08-2004 referred the following matter for the adjudication of this tribunal:

“Whether the contract between the Management of CPWD and the contractor is sham? If so, the demand of All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Shri Mukesh in the establishment of CPWD is justified and to what relief he is entitled?”

The parties appeared through their representatives and filed the pleadings including their affidavits. The case was being listed for the evidence of the workman and he requested the court to summon a witness for him. The Court issued notice to the witness; but the workman stopped appearing in the case. Mr. S.D Sharma, who was appearing for the workman made the statement that he has no instructions to appear in the case. Thereupon, a notice under R/C, Postal Receipt No. 5136 dated 10th May, 2006, was issued to the workman. More than two months have passed by, but neither the workman, has appeared nor the R/C carrying the notice has been received back. This shows that the notice has been served upon the workman, but he has chosen not to appear. It further shows that he has lost interest in the case. So far, he has not made even his own statement in support of his claim.

On record, I do not find any evidence to show that there was a contract between the Management and a contractor; and that was a sham transaction. There is also no evidence to show that the demand of All India CPWD (MRM) Karamchari Sangathan for the reinstatement/regularization of Shri Mukesh, in the establishment CPWD is justified. Therefore, the workman is not entitled to any relief. The award is passed in these terms. Let a copy of it be sent to the appropriate govt. for necessary action and the file be consigned to record, after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 31 जुलाई, 2006

का.आ. 3423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 137/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-7-2006 को प्राप्त हुआ था।

[सं. एल-22012/243/2001 आई आर(सी एम-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 31st July, 2006

S.O. 3423.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.137/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the management of Padampur Sub Area of Western Coalfields Ltd. and their workmen, received by the Central Government on 31-07-2006.

[No. L-22012/243/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
NAGPUR**

PRESENT:

SHRI A. N. YADAV, Presiding Officer

Case No. 137/2002

Date 24-07-2006.

The Sub Area Manager, Padampur Sub Area of W.C.L.,
PO. Urjanagar, Distt. Chandrapur.

Versus

Shri G.U. Parate, Accounts Clerk, Padampur Sub Area of
W.C.L., PO. Padampur, Distt. Chandrapur.

AWARD

The Central Government after satisfying the existence of disputes between Shri G.U. Parate, Party No. 2 and The Sub Area Manager, Padampur Sub Area of W.C.L., Party no. 1 referred the same for adjudication to this Tribunal vide order No. L-22012/243/2001-IR(CM-II)) dt. 19-07-2002 under clause (d) of sub-section (1) and subsection (2A) of Section 10 of ID Act with the following schedule.

"Whether the action of the management of WCL, Padampur Sub Area Distt. Chandrapur through its Sub Area Manager in withdrawing and subsequently recovering the advance increment granted to Shri G.U. Parate, Accounts Clerk w.e.f. 25-05-1998 is proper, legal and justified? If not to what relief the said workman entitled?"

In response to the notices of the Tribunal, management appeared before the Court and submitted the Joint Petition for compromise consent award dt. 16.05.2006 requesting to pass a consent Award as per settlement. The terms of the settlement are as follows :

(1). The dispute is pending before the Hon'ble CGIT Court under reference No. CGIT/NGP/243/2001. The parties have discussed the matter mutually and the workman was apprised that recovery of the second advance increment took place in other cases also for which specific order was issued on 27/10/2005 vide letter No. WCL/CHA/CGM/Admn/9195 of Personnel Manager (Admn), Chandrapur Area for recovery of advance increment of remaining employees of Chandrapur Area in the following manner.

(2). The sum of Rs. 700/- per month to be deducted from the salary for a period of three years with immediate effect.

(3). Balance amount in case of each employee will be adjusted while making arrears payment arising out of wage

revision in NCWA-VII. Accordingly the deduction took place in respect of remaining employees and the balance amount is to be recovered at that time after release of arrears amount arising out of NCWA- VII. In consideration of the above, the parties have settled the dispute on following terms and conditions:—

- (i) That Shri G.U. Parate, Accounts Clerk, Padampur Sub Area will not be entitled for any second advance increment as second advance increments paid to other employees were also recovered.
- (ii) That the settlement shall not be treated as precedent in any other cases.
- (iii) That both the parties agreed to file copies of this agreement before the Hon'ble Tribunal the prayer to pass compromise award as per the terms of agreement.

I have heard the counsel for the management who has filed the settlement on record. It is under the signature of both the parties including Shri Parate. It seems that there was similar dispute regarding some other employee also, the management arrived at settlement. G.U. Parate, Accounts Clerk, Padampur Sub Area was representing the workman along with Shankar Khatri, President of HMS Union and both the parties have satisfied with the terms. They have filed the above settlement with the application under the signature of both the parties. There are no reasons to refuse to declare that they have settled correctly. Hence a consent Award is passed as per above terms and the dispute is sent back with the remarks that now there are disputes. Hence this consent Award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल इण्डिया रेडियो के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 11, नई दिल्ली के पंचाट (संदर्भ संख्या 16/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-08-2006 को प्राप्त हुआ था।

[सं. एल-42012/19/2004-आई आर (सी एम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd August, 2006

S.O. 3424.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.16/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, New Delhi as shown in the annexure in the Industrial Dispute between the management of All India Radio and their workman, received by the Central Government on 01-08-2006.

[No. L-42012/19/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE
BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT - II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

I.D. No.16/2005

PRESIDING OFFICER: R. N. RAI.

IN THE MATTER OF :—

Shri Dina Bandhu,
 R/o .SE/55/D, Singalpur, Shalimar,
 New Delhi -110052

VERSUS

The Director General,
 All India Radio,
 Through Chief Engineer (North Zone),
 New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/19/2004 IR(CM-II) Central Government dt. 27-01-2005 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the demand of the workman Shri Dina Bandhu Burman, Labour for reinstatement in the establishment of Chief Engineer (North Zone), Akashwani & Doordarshan w.e.f. 08-02-2001 is just, fair and legal? If yes, to what relief the workman is entitled and from which date.”

The workman applicant has filed claim statement but he has not filed rejoinder. It transpires from perusal of the order sheet that reply was filed on 14-11-2005 and the workman was directed to file rejoinder and affidavit. He has not turned up on several dates. He has not filed rejoinder and affidavit.

No dispute award is given.

Date: 25-07-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 11, चंडीगढ़ के पंचाट (संदर्भ संख्या 408/2के5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-08-2006 को प्राप्त हुआ था।

[सं. एल-12012/105/99-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 2nd August, 2006

S.O. 3425.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.408/2K5) of the Central Government Industrial Tribunal/Labour Court No. II, Chandigarh now as shown in the annexure in

the Industrial Dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on 01-08-2006.

[No. L-12012/105/99-IR (B.I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II CHANDIGARH

PRESIDING OFFICER: SHRI KULDIP SINGH

CASE NO. I. D. No.408/2k5

Registered on: 19-8-2005/12-7-99

Date of Decision 14-07-2006.

Rajiv Chopra C/o Shri Tek Chand Sharma, 25, Sant Nagar,
Civil Lines, Ludhiana-141008.

....Petitioner

Versus

Ministry of Finance, Deptt. of Economic Affairs Banking
Division, Jeevan Deep Building, Sansad Marg, New
Delhi-110001

....Respondent

APPEARANCE

For the Workman :

NEMO

For the Management :

Mr. N. K. Zakhmi,
 Advocate.

AWARD

The Govt. of India vide their notification No. L-12012/105/99/IR (B-1) dated 16-6-1999 referred the following matter for the adjudication of this tribunal :

“Whether the action of the Management of State Bank of Patiala in imposing the penalty of dismissal from services upon Shri Rajiv Chopra S/o Shri Krishan Chopra is legal and justified? If not, to what relief the concerned workman is entitled to and from which date?”

After the notice was given to the parties, they appeared through their representative. The workman filed the Claim Petition, to which the Management filed the W/S. The case was at the stage of filing affidavits of the parties, but the workman stopped appearing in the case, in person or through Counsel. A number of notices were issued to him including a notice under R/C but neither he appeared nor the notice sent under R/C was received back unserved even after the expiry of statutory period. The Court is satisfied that the workman has received the notice but he has chosen not to appear and follow his case.

I have gone through the file and find that the workman has not produced any evidence to show that the imposing of penalty of dismissal by the Management in him was illegal and unjustified. There is rather no evidence even to suggest that the order of the Management was bad in law. As such the workman is not entitled to any relief. The award against him is passed. The copy of the award be sent to the appropriate Govt. for necessary action and the file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 67/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/304/2003-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd August, 2006

S.O. 3426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 1-8-2006.

[No. L-12012/304/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT-II, RAJENDRA
BHAWAN, GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

LD. No. 67/2004

Presiding Officer : R. N. Rai.

IN THE MATTER OF :—

Shri Y.K. Malik,
S/o. Late Shri O. P. Malik,
R/o. 163 Sukhdevnagar (Nehru Nagar),
Roorkie, Distt: Haridwar,
Uttanchal.

VERSUS

The Assistant General Manager,
State Bank of India,
Region - II, DPC Zonal Office,
Garh Road,
Meerut (UP).

AWARD

The Ministry of Labour by its letter No. L-12012/304/2003 IR(B-I) Central Government Dt. 05-04-2004 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of Assistant General Manager, Region-II, Meerut in imposing the punishment of dismissal from the services on Shri Y.K. Malik, S/o. Late Shri O.P. Malik, Teller w.e.f. 20-10-2001 is just, fair and legal? If not for what relief he is entitled to?"

The claimant has filed claim statement. In the claim statement it has been stated that the applicant joined as Clerk cum Cashier on 18-06-1980 in the State Bank of India, Branch, Mangalore and worked there till 1984 on this post. Thereafter he was promoted as Teller and worked in that capacity till 20-09-1992. Thereafter he was transferred to University Branch, SBI Roorkie where he worked till 07-10-1994 and was then transferred to SBI Branch at Dibai (Distt: Bulandesarah) worked there till his services were illegally terminated.

That the claimant was charge sheeted vide charge sheet dated 27-01-1998 for certain alleged act of misconduct.

The claimant denied all the charges in his explanation. A departmental inquiry was conducted and an inquiry report and findings were submitted to the disciplinary authority. The inquiry was held in violation of the principle of natural justice and the inquiry report submitted was also perverse.

The disciplinary authorities vide order dated 20.10.2001 illegally terminated the services of claimant without notice.

The claimant preferred an appeal to the appellate authority who wrongfully rejected the appeal without appreciating the fact that the inquiry report was not only perverse but also not based on any evidence vide letter dated 06.06.2003.

The termination of the claimant is challenged on several grounds *inter alia* among the following grounds :—

The inquiry was held in violation of the principles of natural justice.

The inquiry report is based on no evidence. It is based on conjectures & surmises. The charges framed against the complainant are not established.

The finding of the inquiry officer is not conclusive and according to his report charge No.1 to 6 and 8 were circumstantially proved. There is nothing in law as circumstantially proved. For example in respect of charge No. 1 the inquiry officer in spite of there being no evidence to establish the charges he observed presuming the foregoing documents viz D1 to D4 and the case presented by the presenting officer the circumstances so suggests that the charges appear tenable. Thus it is clear that the report is based on no evidence and is perverse.

The inquiry officer did not find charge Nos.7, 9 & 10 as proved however the punishing authority held in its order dated 20-10-2001 that charge No. 7 was proved. No reason for differing with the finding of the inquiry officer was recorded nor was the claimant communicated of the same. The same is in violation of the principles of natural justice. The Hon'ble Supreme Court has held that before coming to any conclusion (whether tentative) with regard to the guilt of the delinquent employee on the basis of inquiry report, the disciplinary authority must communicate the reasons for disagreeing with the findings of the inquiry officer and consider the reply of the employee.

The Hon'ble Supreme Court has also held that even otherwise agreeing with the report of the inquiry officer

and coming to any conclusion with regard to the guilt of the delinquent the disciplinary authority must supply a copy of the inquiry report to the delinquent and must consider his comments on it. The Supreme Court has gone to the extent of saying that any rule contradictory to or different from this in the Service Rule of any department is void.

The appellate authority also did not appreciate these facts and legal position and did not record cogent reasons for agreeing or disagreeing with the findings of the inquiry officer. Charge Nos. 1 to 6 and 8 are held to be circumstantially proved by the inquiry officer, the appellate authority merely referred to entries made in some documents while in view of the expert report of the hand writing expert, it has not been proved that these entries were in the handwriting of the appellant and/or made by him. Similarly charge No. 7 found to have been not proved by the inquiry officer, but the disciplinary authority and the appellate authorities relied upon the oral evidence that these cheques were written by the claimants and the payments were also received by him the same is contradictory to the report of the handwriting expert.

The statement of the claimant before the inquiry officer in his defence were not controverted or rebutted by cross examination hence his evidence should be given more weight and not be overlooked.

Termination of the claimant is therefore illegal, arbitrary and unjustified for the reasons more particularly stated above. The claimant is therefore entitled to reinstatement with back wages.

The respondent/management has filed written statement. In the written statement it has been stated that the contents of para 1 of the statement of claim of the workman is a matter of record, hence needs no reply. However, the allegation that the services were illegally terminated is illegal and misconceived.

That the contents of para 2 of the statement of claim of the workman are again a matter of record. It is however, submitted that the charges levelled against the workman related to his fraudulent activities in connection with funds of the bank which were very serious in nature.

That the contents of para 3 are again a matter of record. The workman submitted another explanation dated 13-02-1998. He had already denied the charges in response to the show cause notice dated 30-01-1996 issued by the management vide his letter dated 14-02-1996. In his explanation dated 13-02-1998, the workman again denied the charges. It is not disputed that an inquiry was instituted and conducted into the charges levelled against the workman. Shri G.C. Khurana, Officer MMGS-III was appointed as inquiry officer. He conducted the inquiry in accordance with principles of natural justice and the rules applicable upon the workman. The workman was provided every opportunity of defence. He was granted opportunity to cross-examine the witnesses of the management and produce his own evidence. The inquiry officer submitted his findings which are based on documentary as well as oral evidence recorded in the inquiry. He reached the conclusion that several charges levelled against the

workman were proved. The conclusion was arrived at after analyzing the entire evidence on record. It is categorically denied that the inquiry was conducted in violation of the principles of natural justice and the inquiry report was perverse.

That the contents of para 4 are admitted to the extent that the services of the workman were dismissed vide order dated 20-10-2001. However, the dismissal of his services was just, proper, bonafide and legal.

That the contents of para 5 are absolutely wrong, false and illegal. It is submitted that the workman submitted his appeal and was granted a personal hearing by the appellate authority. The appellate authority has examined the entire record of inquiry as well as the appeal of the workman and also considered his views expressed in his personal hearing and concluded that there was no reason to deviate from the decision of the competent authority and accordingly the appeal of the workman was dismissed. A detailed order dated 06-06-2003 was passed after carefully examining each and every objection of the workman vis-a-vis the findings of the inquiry officer.

That the contents of para 6(B) are again misconceived, hence denied. In a domestic inquiry strict rules and law of evidence do not apply. A domestic inquiry cannot be treated on the same footing as a criminal trial. Even otherwise, the evidence on record in the present inquiry is sufficient for any prudent person to come to a conclusion that the workman is guilty of the charges levelled against him. It is a settled principle of law that even if there are more than one conclusion possible or any other conclusion can also be drawn even then. If the conclusion drawn by the inquiry officer is based on some evidence, then it cannot be treated as perverse. Some of the charges levelled against the workman have been held proved by the inquiry officer.

That the contents of para 6 (C) are again illegal and misconceived, hence denied. In a domestic inquiry the charges of misconducts need not be proved to the hilt. If the circumstances are indicative of certain facts, even the same can be bonafidely inferred. In a domestic inquiry the even circumstantial evidence is admissible. The inquiry officer found the charge number one proved based on the documentary evidence. Even otherwise, the disciplinary authority has examined the report of the inquiry officer together with the entire record of inquiry including the evidence on record and he has also independently reached the conclusion that the workman is guilty of several charges. It is categorically denied that the report of the inquiry officer is based on no evidence and is perverse.

That the contents of para 6 (D) are argumentative and legal. A careful perusal of the report of the inquiry officer with regard to the charge number seven would convince this Hon'ble Court that the inquiry officer has found the charge to have been proved. He has referred to the evidence of Shri P. S. Sehgal and Shri Baleshwar Prasad Tyagi and has drawn conclusion based thereon. However, in the last paragraph relating to charge No. 7 the inquiry officer has relied on technicality and has not found the charge to have been proved, because the hand writing expert was not examined. The disciplinary authority has

not disagreed with the findings of the inquiry officer, but has ignored his conclusion, which, in relation to charge number seven is contrary to the evidence on record. In the present case, the disciplinary authority has only ignored the conclusion and has not disagreed with the findings of the inquiry officer. Therefore, the principle of law laid down by the Hon'ble Supreme Court of India in this regard has no relevance in respect of the present matter.

That the contents of para 6 (E) are misconceived, hence denied. The Hon'ble Supreme Court in the case of Mohd. Ramzan Khan has stated as follows :—

“We make it clear that, whenever there has been an inquiry officer and he has furnished a report to the disciplinary authority at the conclusion of the inquiry held, the delinquent, guilty of all or any of the charges with proposal of any particular punishment or not, is entitled to a copy of such report and will also be entitled to make a representation against it, if he so desires and non-furnishing of the report would amount to violation of rules of natural justice and make the final order liable to be challenged hereafter.”

The principle of natural justice does not lay down that, the inquiry report has to be furnished before agreeing with the report of the inquiry officer and before coming to any conclusion by the employer. The delinquent/workman had the opportunity to submit his objections relating to the inquiry report before the appellate authority. In any event, the copy of the inquiry report was furnished to the workman along with the tentative decision dated 27-01-1998. Subsequent to that, he was granted the opportunity of personal hearing on 08-06-2001 and only thereafter the final order dated 20th October 2001 was passed.

That the contents of para 6 (F) are illegal and misconceived, hence denied. The appellate authority has applied its mind to the record of inquiry and has dealt with each charge of misconduct vis-a-vis the objections raised by the workman in detail. The charge number seven has been found proved on the basis of oral evidence which is absolutely valid and proper. In a domestic inquiry, the charges need not be proved to the hilt. The standards of evidence are not the same as are applied in criminal trials. Even the report of the handwriting expert is not conclusive. In law it is only treated as an opinion. There may be other circumstances and a naked eye comparison of the disputed signatures with the admitted signatures may lead to some other conclusion. The misconducts relating to financial irregularities in banking institutions are very sensitive and in such cases, the confidence of the employer bank in the employee is lost and the bank is not expected to treat such matters with the same yardsticks as is applied in the case of criminal trials.

That the contents of para 6 (G) are illegal and misconceived, hence denied. The workman in his desperation is banking upon the technicalities of rules of evidence, which do not apply in the matter of disciplinary actions of the departmental inquiries.

That the contents of para 7 are illegal and misconceived, hence denied. It is submitted that the charges

of misconducts levelled and found proved against the workman relate to financial irregularities and there was no motive to victimize him and therefore, the trust and confidence reposed by the bank in him was shaken and in such matters the dismissal from services is to be treated as valid and proper. The workman is not entitled to any relief.

That the contents of para 8 in the form of the prayer are illegal and misconceived. The workman has not verified the contents of his statement of claim and therefore, the entire statement of claim has been rendered invalid and deserves to be expunged from records.

That it is submitted that the services of the workman were dismissed as a sequel to a fair and proper domestic inquiry conducted into the charges of serious misconducts relating to financial irregularities against the concerned workman. However, if this Hon'ble Court at any stage of the case comes to the conclusion that the inquiry conducted by the management was not fair and proper and/or the report of the inquiry officer is perverse, then this Hon'ble Court in accordance with settled principles of law, grant opportunity to the management to prove the charges of misconducts afresh before this Hon'ble Court by adducing evidence on merits.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statements. The management has also denied most of the paras of the claim statement

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he has been falsely implicated in fictitious opening of account and withdrawal of Rs. 19,000/-. The workman was not concerned with the transaction alleged.

It was further submitted that the findings of the Inquiry Officer are based on no evidence. The Inquiry Officer has held that most of the charges are circumstantially proved and he has found some charges not proved.

It is necessary to discuss the charges levelled against the workman. The first charge reads as hereunder :—

“You fictitiously and fraudulently opened a fictitious SIB Account No. 20510 in the name of Shri S. K. Sharma while the original account No. 20510 in the name of Shri Sharad Kumar (Minor) UNG and Mrs. Meena Mathur and Shri Deepak Mathur has already been closed on 02-05-1989.”

The Inquiry Officer has given findings that keeping all facts in mind the charge is circumstantially proved. The Inquiry Officer has referred to documents D-1, D-2, D-3 & D-4.

From perusal of the statement of the witnesses and their cross-examination it transpires that no question has been asked from the witnesses as to who prepared these documents. I have thoroughly gone through the entire evidence adduced during the course of inquiry by the Presenting Officer but no question has been asked

regarding the document D-1 to D-4. Even no witnesses has stated that these documents have been prepared by the CSE. During the evidence of the witnesses these documents were not exhibited by them and these documents were not even confronted to the CSE. No departmental witness has stated even casually that the CSE either prepared the documents himself or got them prepared. It has not been proved during the course of inquiry.

The Inquiry Officer has mentioned these documents in his findings but nowhere he has even drawn presumption that these documents cannot be prepared by any person other than the CSE. The Inquiry Officer has not even held that he compared the writing himself.

The Inquiry Officer has given his concluding finding as hereunder :—

“Perusing the forgery of accounts as D 1 to D 4 and the case pleaded by the Presenting Officer the circumstance so suggest that charges appear tenable.”

The Inquiry Officer has himself perused the forged documents D 1 to D 4 and it was pleaded by the Presenting Officer that the charges are proved. He drew the inference that the circumstances suggest that the charge appear tenable. It has not been anywhere mentioned as to who was responsible for forging the documents.

“Defence has not produced any evidence/documents against the above charge No.1. Though the defence has also the brief statement of EPA mentioning that this charge is untrue.”

“Keeping all facts in mind the charge is circumstantially proved.”

This is the entire finding given by the Inquiry Officer. Prior to this finding the Inquiry Officer has only narrated the documents. It has not been anywhere mentioned as to who was responsible for the forgery of these documents. In case there is forgery of documents and charge regarding the same is levelled against an employee by perusing those documents none can draw inference that the documents have been forged by the CSE. The Inquiry Officer even has nowhere stated that there is every possibility that the alleged forged documents have been prepared by the CSE.

In case of circumstantial evidence, the circumstances are narrated and they are correlated and only then inevitable inference is drawn. In the instant case the Inquiry Officer has given the details of D 1 to D 4 and he has concluded on the argument of the Presenting Officer that the charge appear tenable and thereafter he has given his finding that keeping all the facts in mind the charge is circumstantially proved. The facts which the Inquiry Officer had in mind at that time have not been narrated. No finding can be given on the facts in mind. There must be ~~something~~ ^{some} in the inquiry evidence to suggest that the forged documents have been prepared either by the CSE or he got that prepared or he was accountable for the preparation of those documents.

I have gone through the entire oral evidence of the witness. No witness has anywhere stated that D 1 to D 4 have been forged or prepared by the CSE. In such circumstance there is no evidence regarding the preparation and forgery of the documents D 1 & D 4. The Inquiry Officer

may have the knowledge of their preparation but without cogent evidence he cannot say that the charge is circumstantially proved. He has to state the facts which he contemplated in his mind. There is no mention of the facts that was in the mind of an Inquiry Officer. The finding is not given on the facts in the mind of a Inquiry Officer. The finding is always based on evidence.

Charge No. 2 reads as hereunder :

“You originated fictitious entry for Rs. 10, 832.16 by S/F in the above SB Account with ulterior motive of fraudulent withdrawal.”

In the finding of this charge also the Inquiry Officer has stated as hereunder :—

“Considering all these facts and my comments figuring against and documents D1 to D4 while answering charge No. 1 and the fact that EPA in his defence has not produced any evidence/documents in his favour. This charge is also proved circumstantially.”

The Inquiry Officer should have mentioned the facts which he considered but there is no mention of the facts in his findings. Prior to this finding he has specified the documents D 1 to D4 and he has not anywhere said that these documents have been forged or prepared by the CSE. There is no oral evidence on this point by any of the departmental witnesses. It appears that the Inquiry Officer was of the view that it was the duty of the CSE to produce evidence and documents in his favour on the charges. In the absence of any evidence from the side of the defence the Inquiry Officer has held that the charges are circumstantially proved.

The settled principle of law is that the charges levelled are to be proved by cogent evidence by the departmental witnesses. In the instant case the Inquiry Officer has found the charges proved circumstantially as no evidence has been adduced by the defence. The defence is not duty bound to produce documents. The charges are proved or disproved on the testimony of the departmental witnesses and the documents. The findings of the Inquiry Officer is quite perverse. He cannot held a charge circumstantially proved as defence has not given any evidence and defence has not produced any document. The defence has already taken the case that the forgery has not been committed by the CSE. So the Inquiry Officer should have drawn conclusion from the evidence that was adduced during the course of inquiry. He has based his findings for non production of evidence or documents by the defence which is absolutely perverse and illegal. Such findings cannot be sustained by even any reasonable man. There must be some evidence connecting the CSE for the forgery of the documents enumerated above. There is no evidence and even there is no scrap of paper to suggest that the CSE prepared the documents. The Inquiry Officer has found this charge also proved circumstantially without any evidence not to speak of reliable evidence. It is a case of no evidence.

Charge No. 3 reads as hereunder :—

“Issuance of cheque froms No. 572726 to 572750 in above SB A/c No. 20510 allegedly opened by EPA fictitiously.”

The Inquiry Officer has found this charge also proved circumstantially whereas the departmental witness W3 has deposed that he handedover the cheque books to the CSE after completing the entire formalities. For issuance of cheque books signature of the account holder is taken on the register by the account holder. There is a different section for issuing cheques. An officer is authorised to issue cheque after completing all the formalities. In case the officer concerned has issued the cheques after complying with the entire formalities it cannot be said that the CSE was responsible for the cheque books being handedover to a fictitious account holder. It is the duty of the authorised officer to go through the entire records and thereafter issue cheque books. If cheque books have been issued after complying with the formalities prescribed in that behalf, the CSE cannot be held responsible for any irregularities committed by the authorised officer. He is only concern to handover the cheque books to the account holder which has been issued by the authorised officer.

It was submitted that the authorised officer has deposed that he issued the cheque books after complying with all the formalities. The CSE was to handover the same to the account holders. In case the account was forged and fictitious the concerned officer should not have issued two cheque books. The Inquiry Officer has written that considering the above facts this charge is also circumstantially proved. He has not again narrated the circumstances under which two cheque books were issued. He has illegally found this charge proved circumstantially.

Charge No. 4 reads as hereunder :—

“Putting through an entry of Rs. 1000/- by cash on 18-05-1994 in the above account with ulterior motive.”

The Inquiry Officer has again relied on document No. D3 and it has not been proved that document No. D3 is in the handwriting of the CSE and it was prepared by the CSE. There is even no oral evidence on this point. The Inquiry Officer has held that his handwriting is not certified by any finger/writing expert. If a document is alleged to be forged then it is necessary to get a report of handwriting expert. If the Inquiry Officer was himself in the know of the writings of the CSE he should so state in his findings. In this case no witness has said that the document D-3 was prepared by the CSE. In case there is no handwriting report atleast some witness would prove the fact that the document D-3 was prepared by the CSE and such circumstance should be narrated. But the Inquiry Officer has again held that this charge is circumstantially proved. Charge No.5 reads as hereunder:

“Fraudulently deduction of entry for Rs. 3268.95 from SB A/c No. 21072 of Smt. Shanti Naithal and entering the same on 31-03-94 in SB A/c No. 20510 with ulterior Motive.”

The Inquiry Officer has specifically referred to documents D-5 to D-6. There is no evidence as to who prepared this debit voucher. No witness has deposed that this document has been written by the CSE. Even none has deposed that none else than the CSE can prepare this document, still the Inquiry Officer has held considered so

many facts and witness/documents circumstances so suggest that the charge is provable and hence it is circumstantially proved.

There is no oral evidence regarding this charge. No witness has deposed that the alleged voucher was prepared by the CSE. There may be circumstance in which none other than the CSE can prepare this voucher but there is no even such evidence, still the Inquiry Officer has held that the charge is provable and hence it is circumstantially proved.

Charge No. 6 reads as hereunder :—

“Fraudulently making an entry of Rs. 5775 on 25-08-94 in SB A/c No. 20510 whereas the entry pertained to A/c of Shri R.S. Tiwari.”

The Inquiry Officer has stated that this was credit voucher dated 15-08-94 for Rs. 5775 and made in the name of Shri R.S. Tiwari duly passed. This voucher was duly passed as has been held by the Inquiry Officer, then it cannot be alleged that the CSE prepared and passed this document. The document is passed by the concerned officer after considering the entire records and facts. If it was duly passed how the CSE can be said to have been forged this document. Again the Inquiry Officer has given his finding as hereunder :—

“Considering the various documents/evidence and the other facts stated in the report this charge is also circumstantially proved.”

No witness has stated that this voucher was prepared by the CSE. It has not been shown to any witness and not even to CSE. In departmental proceedings this document should have been shown to the departmental witnesses and the CSE should also have been confronted with it. I have gone through the entire oral evidence. It has not been stated anywhere that the voucher was prepared by the CSE since this voucher was duly passed as has been stated by the Inquiry Officer, the CSE cannot be involved for forging this document.

Charge No.7 reads as hereunder:—

“Making payment of 6 cheques amounting to Rs. 13650 while working as Teller and pocketing the same amount.”

The Inquiry Officer has found this charge not proved as there was no opinion of the handwriting expert regarding forgery of the signature and he has held that it cannot be said that the CSE has drawn the amount. The Inquiry Officer has held that this charge cannot be established and proved.

Charge No. 8 reads as hereunder :—

“Pocketing and payment of 2 cheques amounting to Rs. 6000 from the above SB A/c. No. 20510.”

The Inquiry Officer has found this charge also proved but again the circumstances have not been narrated. He has found charge Nos. 9 and 10 not proved.

To conclude the Inquiry Officer has found charge Nos. 1 to 6 & 8 circumstantially proved and charge Nos. 7, 9 & 10 not proved.

It was submitted that the disciplinary authority has found charge No.7 proved but he has not given reasons for his findings whereas the Inquiry Officer has discussed in detail and has held that charge Nos. 7, 9 and 10 could not be established and proved by the evidence adduced in the departmental inquiry. It is of course true that the disciplinary authority may disagree with the findings of the Inquiry Officer but he has to give his own finding. He has not given any cogent reason for disbelieving the findings of the Inquiry Officer. In case the charge is not proved and the disciplinary authority held it to be proved he should have analysed the evidence adduced in the inquiry and on the basis of that he should held the charges proved which have not been found proved by the Inquiry Officer. In the instant case there is no analysis of evidence of the inquiry by the disciplinary authority. So the findings of the disciplinary authority are also perverse and not supported by any evidence.

It was submitted from the side of the management that in a departmental proceedings charge can be held proved on hearsay evidence and even on sole testimony of a witness and preponderance of probability. The preponderance of probability should be established by the Inquiry Officer. The Inquiry Officer has nowhere mentioned the probability which are prepondering.

The following case law has been cited by the counsel of the management: (1997) 76 FLR page 532 SC, 1972 (25) FLR page 45 SC, 2001 (89) FLR page 427 SC, 1983(47) FLR page 398 SC.

It has been held that in case there are discrepancies in evidence inquiry is not a criminal trial and in an inquiry charge is not to be proved beyond doubt. Sophisticated and technical rules of evidence act are not applicable in inquiry. Preponderance of probability and some materials on records would be necessary to reach the conclusion whether or not the delinquent has committed misconduct. It is of course true that the findings of the Inquiry Officer cannot be held perverse until they are not supported by any evidence. I have perused the entire law cited above. It is a case of no evidence. There is no material on the record in the inquiry proceeding by which the charges can be held proved. It is not a case of discrepancies in evidence. It is a case of no evidence.

It was further submitted that charges can stand proved by circumstantial evidence. In the instant case the circumstances have not been narrated. Without narrating the circumstances it cannot be held that the charge is circumstantially proved.

My attention was drawn to 1999 (820) FLR page 1004 SC. It has been held that the disciplinary authority on receiving the report of the Inquiry Officer may or may not agree with the findings recorded by latter. In case of disagreement he has to record the reasons for his disagreement then to record his own findings if the evidence

is available on record. In the instant case the disciplinary authority has disagreed with the findings of the Inquiry Officer. But has not given his own reason or analysis of evidence to hold the charges proved which were found not proved by the Inquiry Officer.

It was submitted from the side of the management that principles of natural justice have been followed and sufficient opportunity has been given to the workman. From perusal of the inquiry report it transpires that the defence has cross examined the witness and opportunity to the defence has also been provided so principles of natural justice have been observed.

It was submitted from the side of the management that it has been held in 2003 (97) FLR page 1153 SC that Court has power to compare the writing and decide the matter in case there is no expert evidence. The Inquiry Officer has nowhere compared the writing and held that the writing was of the CSE. So this case law is also not applicable.

It was further submitted by the side of the management that it has been held in 2005 SC (185) page 395 B that in domestic inquiry the strict standards of proof do not apply. It is only preponderance of probability which is to be seen. In the instant case the Inquiry Officer has not mentioned the preponderance of probability attaining in this case so findings are not based even on preponderance of probability. This case law is also not applicable.

It was submitted from the side of the workman that the workman was not provided any lawyer. It has not come anywhere in the inquiry that he should be permitted to engage lawyer. He has engaged his authorised representative and he has cross examined all the witnesses. There is no merit in this contention.

I have perused the entire inquiry proceedings. The department has observed the principles of natural justice and there is no violation of the same. There is no objection that documents have not been supplied to the workman. These contentions of the workman are not tenable. The law cited by the management is not applicable in the facts and circumstances of the present case.

It was submitted from the side of the workman that the Inquiry Officer has found the charges proved on the basis of circumstantial evidence but he has not established the circumstances. For establishing the facts on the basis of surroundings circumstances all the circumstances must be mentioned from which the conclusion is drawn and such circumstances should be established. In the instant case the Inquiry Officer has not even mentioned a single circumstance and has held illegally that the charges are proved on the basis of circumstantial evidence. Circumstantial evidence always relates to fact and in case circumstances are not narrated and established, the fact cannot be deemed proved.

It becomes obvious that the Inquiry Officer has found the charges proved as the CSE has not adduced any evidence and he has not filed any document in support of his case. The CSE has completely denied the charges. As such he is not expected to give negative evidence. The general principle is that a party who asserts the affirmative of an issue, the burden of proof lies on him to prove that fact as it is easy to prove the affirmative than to prove the negative. It has been affirmed by the management that the CSE has forged and fabricated the accounts so the initial burden was on the management to prove the forgery and withdrawal of money. The CSE cannot be asked to disprove the forgery and withdrawal of money. So the inquiry Officer has held the charges proved on the ground that the workman has not adduced evidence and filed documents. The Inquiry Officer has thrown the burden on the CSE to disprove the charges. The management has first to prove the charges and thereupon the CSE may be called to disprove it. In the instant inquiry the management has failed to prove the charges and the charges cannot be held to be proved as the CSE has not adduced evidence. The inquiry Officer while giving his finding has not kept in mind the well established rule and procedure of law. The CSE is not required to disprove the charges and charges cannot be held proved as the CSE has not adduced any evidence. The Inquiry Officer has followed illegal procedure.

It is of course true that standard of proof of criminal trial are not required in proving the charges in domestic inquiry. The strict rules of evidence act are not applicable in domestic inquiry. Hearsay evidence or preponderance of probability are sufficient to hold the charges proved. It is settled law that insufficiency of evidence is not to be considered by the Tribunal in judicial review of inquiry. But there must be some evidence.

It has been held in AIR 1977 Supreme Court 1512 that in a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act.

The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record.

There is no evidence in the instant case.

In the instant case the CSE has been charged with forgery of certain documents. Four departmental witnesses have been examined. No witness has stated that the documents have been forged by the CSE. No witness has

even deposed that the handwriting of the forged documents are that of the CSE by perusal of naked eyes. Even the Inquiry Officer has not held that he compared the writing of the forged documents with naked eyes and found resemblance with the writing of the CSE. The departmental witnesses are working with the CSE and they have better knowledge of the handwriting of the CSE but they have not stated that forged documents appear to be written and prepared by the CSE. The disciplinary authority is not presumed to have knowledge of the writing of the CSE. His findings are of no merit. His findings on charge No.7 are of no merit. He has illegally held charge No.7 to be proved whereas it has not been proved by the Inquiry Officer. The findings of the disciplinary authority are perverse.

The CSE has been awarded the capital punishment of dismissal. Dismissal involves economic death of a workman and when such penalty is imposed the management should be cautious enough and the documents said to be forged should be thoroughly scrutinised. The report of some handwriting expert is essential to prove the fact that the CSE has forged these documents. In case technical rules of evidence are not applicable in domestic inquiry, the witnesses should have stated that the writing of the forged documents is similar at least with the writing of the CSE. Witnesses may depose that from perusal of bare naked eyes the writing appears to be of the CSE. In this case no witness, not even the Inquiry Officer has stated that on comparison the forged writing has resemblance with that of the CSE. In such circumstances it is held that no document has been forged by the CSE. The charges levelled against the CSE have been illegally found circumstantially proved by the Inquiry Officer and disciplinary authority has also found charge No.7 illegally proved. This is a case of no evidence. I have perused the entire case law cited by the management. These case laws are not applicable in the facts and circumstances of the present case.

The charges levelled against the CSE are not proved. There is no evidence in the inquiry. The inquiry vitiates as the findings are illegal and perverse. It is set aside.

The reference is replied thus :—

The action of the Assistant General Manager, Region- II, Meerut in imposing the punishment of dismissal from the services on Shri Y.K. Malik, S/o. Late Shri O.P. Malik, Teller w.e.f. 20-10-2001 is neither just nor fair nor legal. The workman applicant is entitled to be reinstated w.e.f. 20-10-2001 along with all the consequential benefits and full back wages. The respondent/bank is directed to reinstate the workman applicant and pay him the entire arrears of wages within one month from the publication of the award.

Award is given accordingly.

Date : 27-07-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 116/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/238/2001-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 116/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/238/2001-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 116 of 2001

Parties : Employers in relation to the management of Sijua Area of M/s. BCCL

AND

Their Workmen.

Present : SHRI SARJU PRASAD, Presiding Officer,

Appearances :

For the Employers : Shri D.K. Verma,
Advocate

For the Workman : None

State : Jharkhand Industry : Coal

AWARD

By order No. L-20012/238/2001-IR(C-1) dated, 3-5-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the demand of the Bihar Janata Khan Mazdoor Sangh from the management of BCCL Sijua Area for regularisation of S/Shri Chandrika Sharma, Vishwanath Gope and Madan Tiwari, pay loaders operators to the post of Shift foreman and promotion of Shri Bahrn Islam, Fitter to the post of Asstt. Foreman is just, fair and proper? If so, to what relief are the workmen concerned entitled and from what date?”

2. The case is pending for evidence of the workmen/sponsoring union since 2-1-2003 and inspite of several adjournment the sponsoring union/workmen is not producing any evidence. The sponsoring union/Concerned workmen is not taking step since 5-1-2006.

In the result I render no Dispute Award in this. Case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 156/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/406/1999-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3428.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 156/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/406/1999-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), AT DHANBAD

In the matter of a reference under section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 156 of 2000

Parties : Employers in relation to the mangement of Barora Area of M/s. BCCL

AND

Their Workmen.

Present :

SHRI SARJU PRASAD, Presiding Officer

APPEARANCESFor the Employers : Shri B.M. Prasad,
AdvocateFor the Workman : Shri B.N. Singh,
Advocate

State : Jharkhand

Industry : Coal

Dated : 6-7-2006

AWARD

By order No. L-20012/406/99/IR(C-1) dated, 7-3-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of BCCL Barora Area-I in not accepting the resignation of Smt. Chipi Kumharin under VRS and therefore, denying employment to the dependent son is justified? If not, to what relief is the workman or her dependent son entitled?”

2. Today was the date fixed for the evidence of the workmen/sponsoring union is absenting since long. Sri B.N. Singh representative of the sponsoring union submits that neither the concerned workman/nor the sponsoring union is in touch with him. Therefore, he prays for passing no dispute award.

From the record it appears that the workman is absenting since 18-8-2003 and the concerned workmen/union is not taking any step for adducing evidence.

In the result I render no Dispute Award.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. लि. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 315/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/195/2000-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O 3429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 315/

2000) of the Central Government Industrial Tribunal-cum-Labour court, Dhanbad-I as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/195/2000-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
(NO. 1), DHANBAD**

In the matter of a reference under section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 315 of 2000

Parties : Employers in relation to the management of Kankanee Colliery of M/s. BCCL.

AND

Their Workmen.

Present :

SHRI SARJU PRASAD, Presiding Officer,

APPEARANCES :For the Employers : Shri D.K. Verma,
AdvocateFor the Workman : Shri B.N. Singh,
Advocate

State : Jharkhand

Industry : Coal

dated, 7th July, 2006

AWARD

By order No. L-20012/195/2000 -IR(C-1) dated, 18-10-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Kankanee Colliery of M/s. BCCL in dismissing Sri Ram Ekbal Dusad, Pump Operator from the services of the company w.e.f. 9-4-99 is justified? If not, to what relief is the concerned workman entitled?”

2. Sri B.N. Singh, representative of the concerned workman/sponsoring union submits that he has got no instructions since long and they had lost interest to contest this case. He submits and prays for passing a no Dispute Award.

In such, circumstances I render no Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 246/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/304/1993-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 246/1994) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the manangement of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/304/1993-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 246 of 1994

Parties : The Employers in relation to the mangement of Chainpur Siding of M/s. B.C.C.L.

And

Their Workmen.

Present :

Shri Sarju Prasad, : Presiding Officer,

Appearances :

For the Employers : Shri D.K. Verma, Adv.

For the Workman : None

State : Jharkhand

Industry : Coal

Dated, the 11th July, 2006

AWARD

By order No. L-20012/(304)/93/IR/Coal-1 dated, 25-10-1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management not to regularise Shri Kaleshwar Bauri as Coal Receiving Munshi after getting the job done by him since more than a year is legal and justified? If not, to what relief the workman is entitled?”

2. The present case is pending for adducing evidence by the workmen/sponsoring union since 17-12-2003 and inspite of several adjournment the concerned workmen/sponsoring union has not taken any step since last several dates.

Therefore in such circumstances, I render no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद केन्द्रीय सरकार में औद्योगिक अधिकरण श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 11/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/255/1999-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 11/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the manangement of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/255/1999-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 11 of 2000

Parties : Employers in relation to the mangement of Sijua Area of M/s. BCCL.

And

Their Workmen

Present :

Shri Sarju Prasad, : Presiding Officer,

Appearances :

For the Employers : Shri H. Nath,
Adv.
For the Workman : Shri B.B. Pandey,
Adv.
State : Jharkhand
Industry : Coal

Dated 12th July, 2006

AWARD

By order No. L-20012/255/99 (C-1) dated, 20-12-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the demand of the union to regularise S/Shri Nepal Mandal & 5 others as per list in service paying Cat. I wages is justified? If yes, to what relief these workmen are entitled and from what date? Whether the termination of these workmen by the management is justified? If not, to what relief the concerned workmen are entitled?”

2. The case is pending for evidence of the workman/sponsoring union since 20-3-2003 but the concerned workman are not turning up for giving evidence. The learned lawyer Sri Pandey appearing for the sponsoring union submitted that the concerned workman is not interested to contest this case.

Since several adjournment has been given for adducing evidence by the workman/sponsoring union and they are not interested in adducing evidence.

Therefore, I render no dispute award.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3432.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 93/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/225/1998-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 93/1998) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the

Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/225/1998-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
(NO. 1), DHANBAD**

In the matter of a reference under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 93 of 1998

Parties : Employers in relation to the management of
Dhori Colliery of M/s. CCL.

And

Their Workmen.

Present :

Shri Sarju Prasad, : Presiding Officer,

Appearances :

For the Employers : Shri D.K. Verma,
Adv.

For the Workman : None.

State : Jharkhand

Industry : Coal

dated, 12th July, 2006

AWARD

By order No. L-20012/225/98-IR (C-1) dated, 22/25-9-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the management of Dhori Colliery of M/s. C.C. Ltd., P.O. Dhori, Dist. Bokaro in denying regularisation and payment of wage as per NCWA to S/Shri P.B. Rana and 26 others (as per list annexed) is justified? If not, to what relief are concerned workmen entitled to?”

2. This case is pending for evidence of the workmen since 8-3-2000 inspite of adjournment for last 3 years neither the workmen/sponsoring union are appearing in this case nor they are producing any witness. Sri B.N. Singh, representative of the workman submits that the workman are not interested to contest the case.

In the result I render no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3433.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-1 के पंचाट (संदर्भ संख्या 69/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/657/97-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 69/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 1-8-2006.

[No. L-20012/657/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947

Reference No. 69 of 1998

PARTIES

Employers in relation to the management of Tetulmari Colliery of M/s. BCCL.

And

Their Workmen.

PRESENT

SHRI SARJU PRASAD, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri B.B. Pandey, Advocate

State : Jharkhand

Industry : Coal

Dated, 14-7-2006

AWARD

By order No. L-20012/657/97-IR (C-I) dated, 14-8-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Tetulmari Colliery of M/s. BCCL in not reinstating Sri Nepal Thakur, Ex-Truck/Dumper Driver, who was dismissed from the service w.e.f. 5-3-80 of the company (as the workman concerned was acquitted by the Hon'ble J.M. Ist class, Chas vide his judgment dt. 22-6-91 from the charges levelled against him for which his service has been dismissed w.e.f. 5-3-80 by the management) is legal & justified? If not, to what relief the workmen entitled to?”

2. Today is the date fixed for the evidence of the workmen, but the concerned workman/sponsoring union are not present. The learned lawyer of the union/concerned workmen submits that they are not interested to prosecute the case. Hence, no dispute Award may be passed.

In the result I render no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3434.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-1 के पंचाट (संदर्भ संख्या 50/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/417/98-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3434.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 50/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/417/98-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

Reference No. 50 of 1999

Parties : Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL.

And

Their Workmen.

Present : SHRI SARJU PRASAD, Presiding Officer

Appearances :

For the Employer : None
 For the Workmen : Shri B.B. Pandey, Advocate
 State : Jharkhand Industry : Coal
 Dated, 12-7-2006

AWARD

By order No. L-20012/417/98-IR (C-I) dated, 17-4-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in not regularising, Sri Dilip Kumar, Arbind Kumar, Birendra Pandit and Dinesh Mahato as Permanent workers is justified ? If not, to what relief the concerned workmen are entitled ?”

2. Sri B.B. Pandey, Advocate for the concerned workman submits that he has got no instructions and the concerned workman/sponsoring union has lost interest in contesting this case.

Therefore, he prays for passing No dispute Award.

In view of the submission of the learned lawyer of the concerned workman/sponsoring union I render no dispute award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 97/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/77/2002-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 97/2002) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the manangement of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/77/2002-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
 (NO. 1), DHANBAD**

In the matter of a reference under section 10(1)(d) & (2A) of Industrial Disputes Act, 1947

Reference No. 97 of 2002

Parties : Employers in relation to the mangement of Jeenagora Colliery of M/s. BCCL.

And

Their Workmen

Present :

SHRI SARJU PRASAD, Presiding Officer,

Appearances :

For the Employer : Sri. D.K. Verma, Advocate

For the Workmen : Shri S.C. Gour, Advocate

State : Jharkhand Industry : Coal

Dated, 24-7-2006

AWARD

By order No. L-20012/77/2002 dated 28-8-2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether management of BCCL Jeenagora's is justified in not adding SPRA for pay fixation of S/Shri Deo Nath Bhar & Anwar Ali in their respective promotion posts. If not, to what relief are the workmen entitled ?”

2. The case is pending for the evidence of the workmen but Sri S.C. Gour, Advocate of the sponsoring union/concerned workmen submits that neither the concerned workman nor the sponsoring union is interested to contest the case.

Since, neither the sponsoring union nor the concerned workman is interested to contest the case.

In the result, I render no dispute award in this case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3436.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 183/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/211/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 183/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 1-8-2006

[No. L-20012/211/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference under Section 10(1)(d) & (2A) of Industrial Disputes Act, 1947

Reference No. 183 of 2001

PARTIES: Employers in relation to the mangement of Mohuda Coal Washery of M/s. BCCL

And

Their Workmen

Present :

SHRI SARJU PRASAD, Presiding Officer

APPEARANCES:

For the Employer	: Sri. R.N. Ganguly, Adv.
For the Workmen	: Shri B. N. Singh, Rep.
State : Jharkhand	Industry : Coal

Dated, 24-7-2006

AWARD

By order No. L-20012/211/2001/IR (C-I), dated, 10-8-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. BCCL Mohuda Coal Washery in dismissing Smt. Chhota Budhani Bhuini from service w.e.f. 2-2-99 is justified, fair, and legal ? If not, to what relief is the workman entitled?”

2. This case is pending for evidence but Sri B.N. Singh representative of the sponsoring union/concerned

workman submits that neither the sponsoring union nor the concerned workman is interested to contest the case and they are not giving him any instruction since long. In such circumstances, he prays for passing no dispute Award.

Since the sponsoring union/concerned workman is not at all interested in contesting the case.

In the result, I render NO DISPUTE AWARD.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 2 अगस्त, 2006

का.आ. 3437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 252/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/313/93-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd August, 2006

S.O. 3437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No. 252/94) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-8-2006.

[No. L-20012/313/93-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference U/S. 10 (1)(d)(2A) of Industrial Disputes Act, 1947

Reference No. 252 of 1994

Parties : Employers in relation to the management of Basudeopur Colliery of M/s. B.C.C. Ltd.

And

Their Workmen

PRESENT :

SHRI SARJU PRASAD, Presiding Officer

Appearances :

For the Employers : Sri. H. Nath, Advocate
 For the Workmen : Shri S. Bose,
 Treasurer, Rashtriya
 Colliery Mazdoor Sangh.
 State : Jharkhand : Industry : Coal

Dated, the 24th July, 2006

AWARD

By order No. L-20012/313/93-IR (C-I), dated, 25-10-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Basudeopur Colliery of BCCL in dismissing from service of Shri Prayag Mahato and Shri Brajendra Singh is justified? If not, to what relief the persons are entitled?”

2. The case of the sponsoring union is that the two concerned workman, namely, Prayag Mahato and Brajendra Singh were the permanent employees of M/s. B.C.C. Ltd. working in Basudeopur Colliery under Sijua Area No. V. They were issued chargesheet dated 23-11-1988 with the allegation that both of them are in the employment of Basudeopur colliery on forged and fabricated name and therefore they have committed gross misconduct under Model Standing Orders of the Company. Both of them replied denying the allegation asserting that they are the real persons. But the management without holding any enquiry dismissed them by dismissal letter dated 31-3-1989. The sponsoring union took up the case of both the concerned workmen and raised this industrial dispute by letter dated 24/25-3-1992.

3. The case of the management, on the other hand, is that both the concerned workman were working in Basudeopur colliery of Sijua. Area in fake name. Actually a complaint was received from one Shashi Dhar Mahato mentioning therein that Prayag Mahato is actually Ram Nath Nonia son of Janki Nonia, but he is working as Prayag Mahato and Brijendra Singh is also a fake Person. An F.I.R. was lodged against both of them, and both of them were issued charge-sheets for committing misconduct under Clause 17(i)(a)(o) of the Model Standing Orders applicable to them. According to the management the concerned workman did not submit reply to the chargesheet and the departmental enquiry was conducted by Sri R.P. Singh, Dy. Personnel Manager after giving intimation of date of hearing to the concerned workmen. However, they did not appear and the enquiry was proceeded *ex-parte*. They were held guilty by the Enquiry Officer and accordingly on that basis both of them were dismissed from service w.e.f. 31-3-89. Further according to the management, both of them were given employment as per an award passed in Reference No. 32 of 1986 on the basis of mutual settlement arrived at

between the management of BCCL and RCMS sponsoring union.

4. The issue of fairness and propriety of the domestic enquiry was taken up as preliminary issue and by order dated 16-5-2000 the domestic enquiry was held improper and unfair. The management was given chance to adduce its evidence to justify its action. The management in course of so many adjournments for more than five years did not examine a single witness to justify its action. The sponsoring union, on the other hand has examined Prayag Mahato, concerned workman, (WW-1) and the second witness Rajnath Noonia (WW-2) who have clearly stated that the concerned workmen are the genuine persons. The sponsoring union has also brought on record Ext. W-1 which is the letter raising this dispute addressed to the A.L.C. (C), Dhanbad. The management has not even examined the so-called complainant, Shashi Dhar Mahato who has made complaint against them. From the record it appears that on receipt of the complaint from Shashi Dhar Mahato the management did not even get the matter enquired from Police or District Administration regarding the genuineness of the concerned workman and dismissed them on the basis of an improper and unfair departmental enquiry without giving opportunity to cross-examine the witnesses of the management nor defend themselves. In the improper enquiry also the management has not examined the so-called complainant, Shashi Dhar Mahato nor it has brought on record the complaint filed by him. The management has not even brought on record the alleged F.I.R. lodged against the concerned workman nor it has brought on record the result of the criminal case. It is well settled principle of law that when an departmental enquiry is held to be unfair the evidence so collected in the departmental enquiry cannot be looked into and the management has to justify its action by adducing evidence on merit, but the management apart from examining the Enquiry Officer did not examine any witness although the management was given adjournment for five years after holding of the departmental enquiry as unfair.

5. From the discussions made above I find that the action of the management in dismissing the concerned workman is not at all justified and they are entitled for reinstatement. It appears that there has been delay of about three years on the part of the sponsoring union/concerned workmen in raising the dispute, therefore in awarding relief to the concerned workmen such delay must be considered.

6. In the result I render following award—

The action of the management of Basudeopur Colliery of BCCL in dismissing the concerned workmen, Prayag Mahato and Brajendra Singh is not justified and they are entitled for reinstatement in service with full back wages, except the period of delay between the date of dismissal and date of raising industrial dispute *i.e.* between 31-3-89 to 25-3-92 but with continuity of service and all the consequential benefits.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सीरिन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 7 एवं 8/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-2006 को प्राप्त हुआ था।

[सं. एल-12011/20/2001-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3438.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7 and 8/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Ltd. and their workman, which was received by the Central Government on 2-8-2006.

[No. L-12011/20/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present :

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

(Tuesday the 18th day of July, 2006 127th Ashadha, 1928)

I.D. 7/2006 & 8/2006

(I.D. 19/2001 & I.D. 2/2002 respectively of Labour Court Ernakulam)

I.D. 7/2006

Union

The General Secretary.
The Catholic Syrian Bank Staff Association AIBEA House Kaliath Royal Square, Palace Road, P.B. No. 506, Thrissur-680 020.

Management

By Advocate Shri Ranjit Thampan
The Chairman
The Catholic Syrian Bank Ltd.,
Head Office Thrissur -680 020
By M/s. B.S. Krishnan
Advocates.

LD. 8/2006

Union

The General Secretary. The Catholic Syrian Bank Staff Association AIBEA House Kaliath Royal Square, Palace Road, P.B. No. 506, Thrissur -680 020. By Advocate Shri Ranjit Thampan

Management

The Chairman

The Catholic Syrian Bank Ltd.,
Head Office
Thrissur -680 020

By M/s. B.S. Krishnan Advocates.

AWARD

These references are made by Central Government under Section 10 (1)(d) of Industrial Disputes Act, 1947 for adjudication. The references are :—

I.D. 7/2006:

“Whether the action of the management of Catholic Syrian Bank Ltd. in not paying Computer Allowance to entitled workmen in violation of the 7th Bipartite Settlement is justified? If not, what relief the workmen concerned are entitled?”

I.D. 8/2006:

“ Whether the action of the management of the Catholic Syrian Bank Ltd. in paying Advanced Ledger Machine Allowance which is less than the entitled computer allowance which is higher than the presently paid A.L.P. .M. allowance in violation of the terms of the 7th Bipartite Settlement is just and fair? If not, to what relief they are entitled?”

2. Since the facts, evidence and issues in these cases are common they were jointly tried and evidence was adduced in I.D. 7/2006.

3. The facts in brief are as follows :—

The petitioners and respondents are the same in both cases and they are the union of employees and the Catholic Syrian Bank Ltd. respectively. The mechanization and computerization of branches and other offices of Catholic Syrian Bank were implemented at different intervals. Special allowance was fixed for operators of Data Entry, Advanced Ledger Posting Machine (ALPM) and Computer separately. According to the union even after ALPMs were substituted by Personal Computers the management continued to pay only ALPM allowance to some of the computer operators. The ALPM allowance is less than computer allowance. The functions done by the operators using personal computers are not the same as was done in ALPMs. Hence the union claims computer allowance to all the operators who are using personal computers in different branches of the bank.

4. According to the management matters relating to mechanization and computerization and the allowance to be paid to the operators of these machines are governed by Bipartite Settlements from time to time. These settlements are arrived at between Indian Banks Association (IBA) and different unions of bank employees. The operators are eligible for special allowance either that of ALPM operator or computer operator according to the workload fixed as per Bipartite Settlement. In the Bipartite

Settlement dated 29-10-1993 it is provided that when terminals are used exclusively for savings bank operations there should be minimum 300 to 400 vouchers per operator per day. In case of other operations on terminals the workload for each operator shall be minimum 500 vouchers per day. Even though personal computers are provided to all the branches some of the computers are utilized to perform only one function which was being done in ALPMs. Hence those operators are paid special allowance payable to ALPM operators only. The workload of such operators is only 150 to 200 vouchers per day on an average. The computer allowance is paid to those operators using PC under Local Area Network (LAN) /UNIX System for multi-functions and connected to a network. There is no violation of the terms of Bipartite Settlement. Special allowance is paid to different operators of electronic machines in accordance with the terms of Settlement.

5. In the light of the above contentions the only point that arises for consideration is :

“whether all the operators of personal computers are entitled to get computer allowance or not?”

The evidence consists of oral testimony of WW 1 and documentary evidence of Exts. W1 to W3 on the side of union and MW1 and Exts. M1 to M8 on the side of management.

6. The Point :

It is an admitted fact that mechanisation and computerisation are implemented and special allowances to the operators of the electronic devices are given as per Bipartite Settlement arrived at from time to time between IBA and employees/unions (AIBEAs). The first Bipartite Settlement which provides for mechanization was signed by the parties in 1966. Photostat copies of extract of relevant Bipartite Settlements though are produced by the parties, it is convenient to refer to the book 'Bipartite Settlements' published by M/s. H.P.J. Kapoor Tenth Edition (2001). Chapter VI, Clause 6.1 of 1966 Settlement is regarding mechanization (pg. 27 of the book)

“6.1. Accounting Machines, I.B.M. or I.C.T. (Hollerith-Power Samas) Machines can be utilized in banks subject to the following conditions :

- (i) that Ledger Accounting Machines like National Cash Register Machines, Remington Rand Accounting Machines, Blue -Star Accounting Machines etc. can be utilized for the purpose of ledger and statement posting of Current Accounts, Savings Bank Accounts, Deposit Accounts, General Ledger Accounts, Inter-Branch/Agency Accounts, Salary and Provident Fund Accounts;”

7. Computerisation was introduced as per 1983 Supplementary Settlement I dated 8.9.1983. Page 228 to 231 of the book refer to mechanization and computerization. The relevant terms are contained in sub clauses (i) to (ix) of

clause 1. The purposes for which electronic machines and computers are to be used in banks are mentioned in sub-clause (I) and (II) of clause 1.

Clause 1. “(I). Accounting Machines electric/electronic, other than computers, may be utilized in banks for the following purposes:

- (a) Current accounts,
- (b) Savings bank accounts,
- (c) Other deposit accounts,
- (d) General ledger accounts,
- (e) Cash credit and loan accounts,
- (f) Salary and pay roll.

No accounting machines will be used at rural branches and no electronic machines with memory will be installed at semi-urban centres except as provided for below :

- (i) At rural and semi-urban branches, machines may be used for the limited purpose of management information system including general ledger accounts.
- (ii) At rural and semi-urban branches where the total clerical strength exceeds 15, machines may be used for the purposes listed in (I) above.

(II). Computers including mini-computers may be utilized in banks for the following purposes :

- (a) Clearing operations in Area I centres,
- (b) Reconciliation of inter-branch/agency government accounts/ travellers cheque transactions/credit cards,
- (c) Transfer/remittance of funds through improved systems,
- (d) Foreign Exchange transactions,
- (e) Management of investments,
- (f) Management information systems including credit information, statistical and budgetary data and annual closing returns,
- (g) Personnel inventory, provident fund and pension,
- (h) Inventory control,
- (i) Merchant banking,
- (j) Salary and pay roll where this is already on computers or where the matter is governed by any agreement or arrangement between any individual bank and its union, entered into already or hereafter.

Items mentioned above may also be processed through machines referred to in (I) above.

Sub-clause (ix) provides that special allowance payable to computer operators shall be settled by mutual discussions between the parties. Till a settlement is arrived at computer operators are to be paid special allowance applicable to machine operators.

1993 Bipartite Supplementary Settlement (pg. 456) speaks about the extent of computerisation and mechanisation in branches as well as the rate of special allowance to be paid to the operators. Clauses III, X, XII and XVI are the relevant clauses.

Clause III: Branch Level Computerisation/Mechanisation :

Banks may partly or fully computerize /mechanise some or all operations in branches specified below :

- (a) Branches located in Urban, Metropolitan centres and those falling within urban agglomeration and peripheral territories which are treated on par with metropolitan and urban centres for the purpose of payment of HRA/CCA with average daily number of vouchers of 750 or more per day calculated on an average of 52 preceding weeks.

Clause X. Where terminals are used exclusively for savings bank operations, the vouchers per operator shall be 300 to 400 per day. In case of other operations on terminals, the workload for each operator shall be minimum 500 vouchers per day.

Clause XII. Branches where advanced Ledger Posting Machines (ALPMs) and/or Advanced Electronic Accounting Machines (AEAMs) are installed prior to this settlement and where such branches do not meet the criteria of minimum 750 vouchers as provided in Clause III (a) of this settlement such branches may be fully or partly computerised as per the discretion of the management under the provision of eligibility in Clause III (e) of this settlement. If, however, in any bank there are branches in excess of the total number of eligible branches, in terms of this settlement, such branches will be upgraded, but shall be set off against future entitlement of the concerned bank under Clause III (e) of this settlement.

Existing permanent ALPM/ AEAM operators shall have preference to be computer operators on upgradation subject to the rules prescribed for selection and posting of computer operators. All existing permanent ALPM/ AEAM operators shall continue to draw the present allowance. ALPM/AEAM operators rendered surplus as a result of reduction/substitution of ALPMs/AEAMs may, however, be deployed by the management at their discretion in the same city/town as stipulated in Clause XXI with the continuance of present allowance.

Clause XVI. Special Allowance :

- (a) The special allowance payable to Data Entry Operators shall be Rs.285 p.m. of which an amount of Rs.257 shall rank as 'pay' for the purpose of superannuation benefits.
- (b) The special allowance payable to computer operators shall be Rs.410 p.m. of which an amount of Rs.369 shall rank as 'pay' for the purpose of superannuation benefits.

Note :

Special allowance specified above shall be payable only to such operators assigned actual data entry and computing work at counters or otherwise but not to those who are using machines for correspondence and other work unrelated to computing and data entry.

The 7th Bipartite Settlement dated 27.3.2000 (pg.515) refers to revised rate of special allowance/pay in Schedule II of the Settlement (page 532). As per that, Computer Operator is entitled to special allowance of Rs.633 (item 21), ALPM Operator Rs.540 (item 24) and AEAM Operator Rs.540 (item 25).

It is relevant to know the descriptions, configuration and functions of ALPM and AEAM. They are provided in the Bipartite Supplementary Settlement dated 29.3.1987 at page 345 of the book. The relevant clauses are at pages 348 to 350 :

"1. Electronic Accounting Machines with memory, other than computers, also described as Advanced Ledger Posting Machines (ALPMs) or 'Advanced Electronic Accounting Machines' (AEAMs) may be installed under Clause 1(I) on the following terms :

Configurations :

- (i) Not exceeding 256 kilobytes.
- (ii) Not exceeding 16 bits.
- (iii) Floppy I Winchester Disc.

The capacity of the above configurations shall be utilized for the purposes specified in the Settlement.

2. These ALPMs/AEAMs shall be 'stand alone' machines each dedicated to only one of the following functions :

- (a) Current Accounts including Overdraft Accounts;
- (b) Savings Bank Accounts;
- (c) Other Deposit Accounts;
- (d) General Ledger Accounts;
- (e) Cash Credit and Loan Accounts;
- (f) Salary and Pay Roll.

3. The ALPMs/AEAMs referred to in Clause 1 of the Settlement shall not be installed at the rural or semi-urban branches of any bank.

4. The ALPMs/AEAMs shall have one key board. But if an ALPM /AEAM has more than one key board, each key board shall be treated as a separate unit for determination of the total number of ALPMs/AEAMs as per Clauses XII and XIII of the Settlement and shall be operated by a separate ALPM/AEAM operator.

5. One 'stand alone' single function ALPM /AEAM shall not be interlinked with any other ALPM/AEAM in any manner with back office applications/operations.

6. There shall be no linkage between two ALPMs/AEAMs in the same department or in different departments in the same office or outside.

7. The ALPMs/AEAMs shall not be upgraded in respect of functions permissible under this Settlement in respect of storage or memory of volume of operations or capacity or in any other manner beyond the aforesaid configuration except by written Settlement between the parties.

8. The average number of vouchers per ALPM/AEAM for functions (a) or (c) or (e) specified in Sub-clause 2 shall be about 400 per day.

9. The number of accounts on APLMs / AEAMs for Savings bank Account shall be 2200. The workload on an ALPM / AEAM used for Savings Bank Accounts shall not be linked to the number of vouchers."

11. The ALPMs/AEAMs shall be installed at branches eligible on the following basis:

- (a) In banks with aggregate deposits of Rs. 1500 crores or more as on 31 st December, 1985 at branches with 1000 or more vouchers per day calculated on an average of 52 preceding weeks.
- (b) In banks with aggregate deposits of less than Rs. 1500 crores or more as on 31 st December, 1985, at branches with 750 or more vouchers per day calculated on an average of 52 preceding weeks.

Note:

The ALPMs/AEAMs may be installed at branches with average number of vouchers /fewer than 1000 or 750, as the case may be, in exchange for eligible branches, in the following circumstances :

- (i) If for administrative or business reasons such as constraints of space, power, other technical requirements and customer needs, a bank decides not to install ALPMs/AEAMs in an eligible branch it may substitute such a branch with another branch where the number of daily average vouchers calculated over a period of 52 preceding weeks is not less than 750 if it is a bank with aggregate deposits of Rs.1500 crores or more as on 31 st December, 1985 or is not less than 500 if it is a bank with aggregate

deposits of less than Rs.1500 crores as on 31st December, 1985.

- (ii) Where on the date of the Settlement the banks have already installed or have already made arrangements for installing ALPMs. AEAMs at branches with average number of vouchers fewer than specified above.
- (iii) At specialized branches like overseas branches, etc., irrespective of the number of vouchers.
- (iv) The total number of branches for each bank under (i), (ii) & (iii) shall be restricted to 15 to 20 per cent of the total number of its eligible branches as mentioned in sub-clause (a) or (b) above.

8. It is clear from the terms of 1987 Settlement that ALPMs/AEAMs are 'stand alone' machines each dedicated to one of the six functions only and cannot be used for multiple functions unlike Personal Computers. The capacity of ALPM/AEAM is limited as mentioned in Clause 1 above. The contention of the management is that though ALPMs/AEAMs are substituted by PCs some of the branches are utilizing the computers only for the limited purpose of doing one function only as was done in ALPMs. Besides the workload should be the minimum of 300 to 400 vouchers per day per operator in order to claim computer allowance. However the workload in some of the branches is only 150 to 200 vouchers per day per operator. Hence such operators are not eligible to get computer allowance.

9. I feel that it is a misconception of the terms of Settlement. It will be relevant again to refer to the terms with regard to the workload of branches for the purpose of using ALPMs/AEAMs. 1987 Supplementary Settlement, Clause 2 (supra) refers to 6 functions for which ALPM/AEAM can be utilized. Clauses 8 & 9 refer to the minimum workload.

Clause 8. The average number of vouchers per ALPM AEAM for functions (a) or (c) or (e) specified in Sub-clause 2 shall be about 400 per day.

Clause 9. The number of accounts on APLMs/AEAMs for Savings Bank Account shall be 2200. The workload on an ALPM/AEAM used for savings Bank Accounts shall not be linked to the number of vouchers."

10. The minimum workload aforementioned is for the purpose of installing ALPMs/AEAMs. So also the minimum vouchers referred in clause III (a) of 1993 Settlement (pg. 458) is for the purpose of identifying branches having minimum workload for installing Personal Computers. The following clauses of the settlement are to the same effect. Clause X says that where terminals are used exclusively for Savings Bank operations the vouchers per operator shall be 300 to 400 per day. In case of use of terminals for

other operations the workload for each operator shall be a minimum of 500 vouchers per day. Clause XII provides that branches where ALPMs/AEAMs are installed prior to 1993 Settlement and where such branches do not satisfy the minimum workload of 750 vouchers per day as mentioned in Clause III (a) such branches may be fully or partly computerized as per the discretion of the management [as per Clause III (e)—additional level of computerization]. The conditions regarding vouchers and minimum workload per day in the above clauses are mentioned for the purpose of identifying branches which could be computerized and not for the purpose of fixing the special allowance for the operators. Clause 9 of 1987 Settlement says that the workload on an ALPM/AEAM used for Savings Bank Accounts shall not be linked to the number of vouchers. They were used only for one function, i.e. Savings Bank Accounts. It is admitted by MW1 that no ALPMs/AEAMs are in function now in any of the branches of the bank. They are replaced by Personal Computers. If so, all operators are computer operators. Now the management distinguishes Computer Operators on the basis of their workload. According to the management even though computers are provided in place of ALPMs/AEAMs some of the computers are utilized only for a single function like SB Account or Current Account or one of the operations out of 10 programmes (functions) set in PCs. Therefore operators working on such computers are doing the same work as was done in ALPMs/AEAMs. Hence such operators are eligible only for ALPM allowance. Though the premises appear to be appealing the syllogism is in the wrong. Nowhere in the Settlements it is provided that depending upon the nature of the work done in the Personal Computers or workload, special allowance should be fixed. There is only one type of special allowance for Computer Operators. The other allowances are for ALPM and AEAM Operators. The latest revised rates of special allowances are mentioned in Settlement of 2000 (Second Schedule). As per that, special allowance for Computer Operator is Rs. 633 and for ALPM/AEAM is Rs. 540. Admittedly nobody is now operating ALPMs/AEAMs. If so, as per Settlement no Computer Operators can be denied computer allowance.

11. The whole confusion has been created by the advice given by certain officers of the bank. It will be useful to refer to Exts. M3, 5 & 6 to 8. Ext. M3 is a letter dated 6-7-2000 addressed by General Secretary of the Employees' Association to the Chairman of the Bank claiming computer allowance to all the computer operators irrespective of the workload. Ext. M5 is a letter dated 24-10-2000 from Asstt. Personnel Adviser to Asstt. General Manager (Pers.). The Asstt. Personnel Adviser expressed his opinion regarding computer allowance in the letter. According to him employees in single PC and two PC branches operating 'stand alone' Personal Computers for performing the functions enumerated in Clause 14 of 1987 Settlement

(11 functions), are eligible to get only ALPM allowance. But employees working in LAN/UNIX branches, employees who are operating terminals connected to network, including single window service to customers for several types of transactions are eligible for computer allowance. Ext. M6 dated 4-12-2000 is a note of the staff department of the bank submitted to the management committee. The same opinion as in Ext. M5 is expressed by staff department. However, in the last sub-para of para 2 of Ext. M6 it is stated that as per information received from Electronic Data Processing (EDP) Centre the employees operating computer in single/two PC branches are performing 7 type of functions enumerated in clause 14 of 1987 Settlement (pg. 351) i.e. major portion of the functions enumerated in that clause. In para 3 it is mentioned that special pay being given to the staff operating Personal Computers in single/two PC branches and branches with PC under LAN/UNIX System are in accordance with the terms of Settlement. Ext. M7 is another note of staff department dated 5-12-2000 submitted to the management committee. There also it is mentioned that as per the report of EDP Centre employees operating PC in single/two PC branches are performing 7 out of 11 functions mentioned in clause 14 of 1987 settlement. It is further stated that operators working in single PC branches have to enter all slips in the respective Ledgers/Registers manually as well as post them in computer and thus the work is duplicated. The conclusion of the note is as follows :—

“ Considering the fact that the employees operating Personal Computers in our single/two PC branches are performing major portion of the functions enumerated in Clause No. 14 of the above Settlement and considering the type of functions performed by them, we are of the opinion that we may continue to pay ALPM Operator's pay to such employees.”

Ext. M8 is a letter dated 29-11-2000 from AGM (Mg & Dev.) to AGM (Pers.). It is regarding computerization of branches. He also states that 7 functions are being done by a clerk using computer in a two PC branch. In the last para it is stated that employees working in single PC branches have to work more. Their work is duplicated as they have to enter the same details manually in the Ledgers as well as post them in the computer. It is reiterated by AGM (Dev.) that such computer operators are doing all the functions listed in Clause 14 of 1987 settlement from (a) to (g) as well as maintain Ledgers manually.

12. It is to be noted that while only one of the functions enumerated in sub-clause (1) of Clause 1 of Supplementary Settlement dated 8-9-1983 (para 7 supra) could be done in ALPMs/AEAMs formerly, now when those machines were replaced by PCs more functions could be done and are being done. Therefore there is no reason to deny computer allowance to some of the computer operators. It cannot be said that the work that is being done by computer operators in single/two PC branches is

the same as was done by ALPMs/AEAMs operators formerly. Assuming that the work done by the computer operators in some branches is the same as was done when ALPMs/AEAMs alone were available, even then such computer operators cannot be denied computer allowance, because the terms of Settlement do not make any distinction between computer operators in single PC/two PC branches and PC under LAN/UNIX system. It is natural that in urban branches the work will be more than in rural branches. That difference in workload will always be there, whether branches are computerized or not. The salary of employees of a cadre is not determined in accordance with the workload in each branch. It is only the invention of the officers of the Bank that Settlement provides differently for different computer operators. In fact no such distinction is drawn anywhere in the Settlements. The officers of the bank have gone wrong in interpreting the clauses in the Settlements regarding per day vouchers and minimum workload meant for identifying branches which require computerization, as criterion for fixing computer allowance to the operators. As a result, I would say that all computer operators irrespective of the nature of the work they are doing, are entitled for computer allowance of Rs. 633/- or at subsequent revised rate, if any. Point is answered accordingly.

13. In the result, an award is passed finding that all the computer operators, whether in single PC or two PC branches or PC under LAN/UNIX System, are entitled for computer allowance and the action of management in paying some of such operators ALPM/AEAM allowance cannot be justified. There is no order as to cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of July, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union :

WW1 - Lazer Joseph C.

Witness for the Management : MW1 - Dhananjai R.

Exhibits for the Union :

W1- Memorandum of Settlement dated 29-10-1993 between IBA and AIBEA.

W2 - Memorandum of Settlement dated 27-03-2000 between IBA and AIBEA.

W3 - True copy of page 177-185 of Bipartite Settlement dated 19-10-2005.

Exhibits for the Management :

M1- Photostat copy of relevant portion of Bipartite Settlement dated 19-10-1966 reg. Mechanisation & Computerisation.

M2- Photostat copy of relevant portion of Bipartite Settlement dated 23-2-1989 reg. Mechanisation & Computerisation.

M3- Photostat copy of letter dated 6-7-2000 from General Secretary of the Employees' Association to the Chairman of the Bank claiming computer allowance.

M4- Photostat copy of Memorandum of Settlement dated 8-9-1983 between IBA & their workmen.

M5- Photostat copy of letter dated 24-10-2000 from Asstt. Personnel Adviser to AGM (Pers.) regarding special allowance to computer operators.

M6- Photostat copy of note dated 4-12-2000 submitted to management committee by the staff department of the bank.

M7- Photostat copy of note dated 5-12-2000 submitted to management committee by the staff department of the bank reg. payment of special allowance to clerical staff for operation of personal computer.

M8- Photostat copy of letter dated 29-11-2000 from AGM (Mg. & Dev.) to AGM (Pers.) reg. functions done by clerks using computer in two PC branch.

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3439.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 232/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-2006 को प्राप्त हुआ था।

[सं. एल-41012/43/91-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No: 232/91) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 2-8-2006.

[No. L-41012/43/91-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/232/91

PRESIDING OFFICER: SHRI C. M. SINGH

Shri Ganesh, S/o Shri Harishankar Soni,
Sneh Milk Parle Counter,
Plot No. 2, Railway Station,
Itarsi - 461111.

.....Workman

Versus

The Assistant Engineer,
N(C), Central Railway, Itarsi - 461111
The Divisional Rail Manager, Central Railway,
Bhopal - 462001

.....Management

AWARD

Passed on this 19th day of July 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/43/91-D-2(B) dated 18-12-91 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Central Railway, Bhopal in terminating the services of Shri Ganesh Harishankar Soni is justified? If not, what relief he is entitled to?"

2. The case of workman Shri Ganesh Harishankar Soni in brief is as follows. That he was employed as casual labour under AEN(C), Central Railway, Itarsi. He continued to work from November 1980 and worked till 18-12-86 on which date his services were terminated on the alleged ground that he had obtained employment by giving false service card. The workman has put in more than six months of service in the Railways. A Railway employee who is employed as casual labour and has been in continuous employment for more than 6 months attains the status of temporary employee as per provisions of the paras at Sl. No. 2501 and 2511 of the Indian Railway Establishment Manual. A casual employee who attains the status of temporary employee is entitled to the benefits of the Railway Servants Discipline and Appeal Rules also. As the workman has attained the status of temporary employee, therefore his services could not have been terminated without following the procedure laid down in the Railway Servants Discipline and Appeal Rules. The workman had put in more than 240 days of casual working during the period of 12 calendar months and had completed 1 years continuous service as defined in Section 25-B of the Industrial Disputes Act, 1947. Therefore his termination from the services without holding enquiry or issuing charge-sheet would definitely amount to retrenchment and the same having been brought about without following the mandatory provisions of Section 25-F of the I.D. Act 1947 is illegal and is *void-ab-initio*. The workman's services were terminated on the alleged ground of obtaining employment by giving false service card. This is nothing but an act of misconduct for which the Railway Administration was duty bound to

give an opportunity of hearing to the workman. Thus the termination from services of the workman is in total disregard to the laid down principles of law, principles of natural justice and in violation of basic principles of law. The workman had submitted repeated representations but has not received any reply so far. Thus the termination of the workman from services is illegal, contrary to the laid down principles of law and he is entitled to be reinstated with full back wages and other consequential benefits.

3. The management contested the reference and filed their Written Statement. Their case in brief is as follows. It has not been disputed by the management that the workman was employed as casual labour under the AEN(C), Central Railway, Itarsi, he continued to work from Nov., 1980 and worked till 18-12-86 on which date his services were terminated on the ground that he had obtained employment by giving false service card. It has been pleaded that the workman had not actually worked but the entries for the period mentioned by the workman are forged. That the entries mentioned in the card on various dates are forged. That the Railway Administration never issued Card No. 215254 to the workman from Pay Way Inspector (Main), Khandwa. It has also been pleaded that para 2501 and 2511 of the Railway establishment manual do not apply to the casual labour appointed on daily wages in construction Project. The grant of temporary status to casual labour appointed on daily wages in Construction Projects was dealt with as per Railway Board's letter No. E(NG)11/84/C.2/41 dated 11-9-86 as a result of the judgement by the Supreme Court. The workman was not brought on temporary status prior to discharge owing to seeking employment through fraudulent means. He continued to be on daily wages till the date of termination, therefore provisions of discipline and appeal rules do not apply in such cases. The workman committed serious misconduct for which he was asked by Assistant Engineer (Construction), Itarsi through his letter No. ET/28/68 dated 28-5-86 to submit his explanation for seeking employment through forged and false service card. The workman did not submit any explanation which amounts to acceptance of guilt. His services were therefore, terminated by management for the misconduct. In view of Chief Personnel Officer, Bombay, V.T. Letter No. HPB/22553/R/11 dated 18-12-85, the casual labours are not entitled to the benefits under the Industrial Disputes Act. The workman was given an opportunity to explain the position and circumstances but he did not avail of that opportunity. For the reasons given above, the workman is not entitled to get any relief.

4. Workman Shri Ganesh Harishankar Soni examined himself in support of his case. The management in order to defend the reference case examined Shri D.P. Patel, an employee of the management.

5. Both the parties have also filed certain Photostat copies of the documents in support of their respective contentions which may be referred in the body of this reference where the need be.

6. I have heard Shri S. Chille, Advocate the learned counsel for the workman and Shri Shailesh Mishra, Advocate the learned counsel for the management. I have very carefully gone through the entire evidence on record.

7. In para No. 3 of the statement of claim, it has been averred by the workman that he was employed as casual labour under the AEN(C), Central Railway, Itarsi and he continued to work from Nov., 1980 and worked till 18-12-86 on which date, his services were terminated on the alleged ground that he had obtained employment by giving false service card. It has been pleaded on behalf of the management in para No. 3 of the Written Statement that the allegations made in para-3 are not disputed but alleged therein that the workman had not worked actually, but the entries for the period mentioned by workman are forged. The entries mentioned in the service card on various dates are forged. It has been specifically pleaded that the Railway Administration never issued Card No. 215254 to the workman. Thus it is clear from the above pleadings that the case of the workman that he was employed as a casual labour with the management and worked from Nov., 1980 to 18-12-1986 has not at all been denied on behalf of the management. Similarly in para No.4 of the statement of claim, the workman has averred that he had put in more than six months of service. In reply to this para, it has not been denied by the management that the workman had put in more than six months of service. Only it has been denied that the workman under the provisions of paras 2501 and 2511 of the Railway Establishment Manual, acquired status of temporary employee. It has been specifically pleaded by the management that paras 2501 & 2511 do not apply to the casual labour appointed on daily wages in Construction project. It shall be worthwhile to note here that neither the learned counsel for the workman nor the learned counsel for the management submitted before this tribunal the extract of para Nos. 2501 & 2511 of the Railway Establishment Manual and under these circumstances, this tribunal having not a very rich library could not go through the aforesaid paras of the Railway Establishment Manual. In para No. 4 of the written statement, it has been pleaded by the management that the grant of temporary status to the casual Labour appointed on daily wages in construction projects was dealt with as per Railway Board's Circular No. E(NG)II/84/C.2/41 dated 11-9-86 as a result of the judgement of the Supreme Court. The learned counsel for the management did not cite the aforesaid judgement of the Supreme Court. He also failed to file the Railway Board's circular Letter No. E(NG)II/84/C.2/41 dated 11-9-86 mentioned above. Under the circumstances, this tribunal could not go through the circular letter mentioned above. In para No.6 of the Written Statement, it has been pleaded on behalf of the management that the workman was not brought on temporary status prior to discharge owing to seeking employment through fraudulent means and he continued to be on daily wages till the date of termination, therefore provisions of the Discipline and Appeal Rules do not apply in such cases. On this point, the management's witness Shri D.P. Patel on being cross-examined deposed that the provisions of Railway Service Discipline and Appeal Rules were applicable in the case of the workman and the same has been deposed by workman Shri Harishankar Soni in his affidavit that he is entitled to get protection under the Discipline and Appeal Rules. There being no other evidence on the point, it is concluded that

the workman was entitled to get protection under the Discipline and Appeal Rules. During the course of argument, the learned counsel for the management admitted that a casual labour attains temporary status after continuous employment for more than 6 months as per the Railway Establishment Manual at Sl.No. 2501 & 2511. It means the workman had attained the status of temporary employee and it has not been denied by the management that he had put in more than six months of service.

8. It is clear from the pleadings of the management contained in their Written Statement that the workman committed serious misconduct by obtaining employment through fraudulent means for which he was asked by Assistant Engineer (Construction), Itarsi through his letter No. ET/28/68 dated 28-5-86 to submit his explanation for seeking employment through forged and false service card. That the workman did not submit any explanation, which amount to acceptance of guilt and therefore his services were terminated by the management for misconduct. The record reveals that even a copy of the aforesaid notice has not been brought on record. It has not been proved from any evidence on record that the workman was served with the aforesaid notice. Against it, the management's witness Shri D.P. Patel has in his evidence of cross-examination deposed that no notice was given by office to the workman. Thus the case of the management that a show-cause notice was issued to the workman which he did not reply is not proved at all.

9. Besides the above, the management's witness Shri D.P. Patel deposed in the evidence of his cross-examination that no departmental enquiry was conducted against the workman. No notice was given to him and no retrenchment compensation was awarded to him. The management has filed a Photostat copy of the list of working days on which the workman worked with the management. Though this paper has not been proved in accordance with the law of evidence but it can be very well relied against a party who placing reliance on it has filed for the purpose of adjudication of this case. The entries of this list proves that the workman had worked with the management for more than 240 days during the period of 12 calendar months and had completed 1 year continuous service as denied in Section 25-B of the I.D.Act 1947 and therefore the termination of the service of the workman without holding any enquiry or issuing any chargesheet to him is bad in law. It is evident from the evidence of the court that before passing termination order, the management failed to comply with the mandatory provisions of Sec-25-F of the Industrial Dispute Act 1947 and therefore the action of termination of workman is *void-ab-initio*.

10. It has been submitted by the learned counsel for the workman that on identical facts, as are the facts of this case, the Honourable Central Administrative Tribunal, New Bombay Bench, Camp Nagpur in OA NO. 149/87, Shri V.R.Meshram v/s. Dy.Chief Engineer, Central Railway, Ajni, Nagpur and another held that the termination of services of a casual labour Khalasi in the Railways on the ground of having obtained employment by producing bogus service card without holding proper enquiry is illegal and he was

directed to be reinstated in service. The learned counsel for the management submitted that in this case show-cause notice was issued to the workman and he did not reply the same meaning thereby, he failed to submit any explanation for seeking employment through forged service card which amounted to acceptance of guilt and therefore his services were terminated for misconduct. It is to be noted here that it has already been held above that the management has failed to prove that any show-cause notice was given or served on the workman for submitting explanation for seeking employment through forged service card. It is a fact that the facts of this case and the law cited above are almost identical. In the law cited above, the Honourable CAT, New Bombay bench at Nagpur held as follows:

“It is clear from the reply filed by the respondents that it was actually after coming to the conclusion that the applicant has secured employment on production of bogus service card that even the show cause notice was issued (vide paragraph 5 of the reply). Evidently, the show-cause notice was issued merely as a ritual. There is nothing on record to indicate that after the applicant submitted his explanation in response to the notice disputing the imputation any inquiry was held associating the applicant also in order to find out the truth of imputation. What emerges from the record is only that the opinion of the fingerprint expert was taken and based on the same the order of termination was issued. It cannot be disputed that the termination casts a stigma on the applicant for it is unequivocally stated in the order of termination that it is on account of joining service on production of false service card.

In the circumstances, we are of the view that the termination of the services of the applicant is illegal and cannot be sustained.”

In the case at hand, it is not proved that the management issued a show-cause notice to the workman therefore this case stands on better footing than the case for which the law has been cited above and under the circumstances following the law cited above, I am of the view that termination of services of the workman is illegal and cannot be sustained.

11. The learned counsel for the workman submitted that the management terminated the services of the workman in violation of circular No. Dy.CE/RE/BPL/E/101 dated 12-9-88 issued by the General Manager (Law)/RE/ALD. The learned counsel for the management submitted that there has been no breach of directions mentioned in the above circular. That the workman was given a show-cause notice to submit explanation for seeking employment through forged and false service card but he did not submit any explanation which amounted to acceptance of his guilt and therefore his services were terminated. The argument advanced by the learned counsel for the management has no legs to stand. It is very clearly mentioned in the circular letter referred to above that there are several cases pertaining to RE pending in the Administrative Tribunals and out of the tribunal, wherein action of termination from Railway service has been taken against the casual labours or the same is proposed to be taken on the ground that

they have submitted service card which was subsequently found to be forged and fake at the time of granting temporary status to them. It is also mentioned therein that recently Central Administrative Tribunal, Allahabad has delivered a judgement wherein termination of service of casual labour has been quashed and it has been held that although no regular Departmental enquiries are required to be held against such workers, the least that is required to be done is:

- (i) To inform him of the proposed action.
- (ii) To disclose to him the material sought to be relied against him.
- (iii) To afford him a reasonable opportunity to correct or to controvert such material and to place his view and record evidence if he so desires.
- (iv) To arrive at a fair and just decision supported by a reason expressed in a speaking order.

Along with the circular, a copy of the said judgement dated 20-1-88 delivered by Hon'ble CAT/ALD in O.P.No.349 of 1987 connected with other petitions was enclosed for guidance of the competent authorities to deal such cases on the guidelines given by the Hon'ble Central Administrative Tribunal. It is to be noted here that in this case, the competent authority did not care to follow the directions mentioned above (i to iv) in the circular and thus the termination of the services of the workman has been done in utter disregard of the above directions. I therefore come to the conclusion that the termination of the services of the workman is illegal. It is therefore held that the action of the management of Central Railway, Bhopal in terminating the services of Shri Ganesh Harishankar Soni is not justified.

12. Now it is to be considered as to what relief, the workman is entitled to. It has not been averred either in the statement of claim or in rejoinder of the workman that after his termination from services on 18-12-86, he was not gainfully employed anywhere. Since the same has not been pleaded, it cannot be proved. Besides it, there is no evidence adduced by the workman that after the date of termination from the services, he was not employed gainfully anywhere. Under the circumstances, it shall not be proper and just to reinstate him with full back wages and all the consequential benefits. It will meet the ends of justice if the workman is reinstated without back wages. The management is directed to reinstate the workman without back wages.

13. In view of the above, the reference deserves to be answered in favour of workman and against the management with costs. The reference is answered in favour of workman Shri Ganesh Harishankar Soni and against the management of Central Railway, Bhopal with costs holding that the action of management of Central Railway, Bhopal in terminating the services of Shri Ganesh Harishankar Soni is not justified and the management is directed to reinstate Shri Ganesh Hari Shankar Soni without back wages.

14. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3440.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/214/2003-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3440.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No. L-40012/214/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 6 (C) of 2004

Management of Patna Telecom District, Telephone Bhawan, R. Block, Patna and their workman Sri Rajan Kumar, Kaushal Nagar, Patana

For the Management : Sri Mithlesh Prasad, Advocate.

For the workman : Sri Umesh Kumar Singh, Advocate.

Present : V. Ram, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 24th July, 2006

By adjudication order No. L-40012/214/2003-IR(DU) dated 31-05-2004, the Government of India, Ministry of Labour, New Delhi has referred, under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (herein after to be referred to as 'the Act'), the following dispute between the management of Patna Telecom District, Telephone Bhawan, R. Block, Patna and their workman Sri Rajan Kumar, Anishabad, Patna for adjudication to this Tribunal on the following :—

“Whether the action of the management of Bharat Sanchar Nigam Limited, Patna Telecom District, Patna Bihar in terminating the service of Sri Rajan Kumar, Safai, Karamchhari working at ESED Tax Patliputra is legal and justified? If not, to what relief the workman is entitled?”

2. Notices were issued to the parties by this Tribunal on receipt of the Reference. The parties appeared on notice and filed their respective written statement, the workman on 24-8-2004 and the management on 14-9-2004. A rejoinder to the written statement filed on behalf of management was filed on behalf of the workman on 11-10-2004.

3. The case of the workman, in short, is that he was employed as Safai Karamchhari by the management on 17-10-2000 and he worked under Himanshu Kumar in ESWD Tax, Patliputra Exchange up to full satisfaction of the authorities. He was paid Rs. 400/- (Rs. four hundred) only per month after his signature taken on black ACG-17 form. Further, the case of the workman is that he made a demand to the management for making full payment to him and also to make him permanent, but the management did not pay need to his demands and removed him from the service on 6-5-2003 without any notice or an opportunity for giving explanation. Further, the contention of the workman is that his removal from the service was illegal and unjustified. He filed an application before the Regional Labour Commissioner upon which a conciliation proceeding was stated but it failed on 7-8-2003.

4. The contention of the management, in short, is that Rajan Kumar was never employed by the management, either temporarily or permanently. He worked in Patliputra Exchange for a few days on contract basis and for that he was paid. According to the management the claim that Rajan Kumar was employed on 17-10-2000 and was removed from service on 6-5-2003 is false. Further, according to the management ESWD Tax was installed on 19-10-2001 in Patliputra Exchange and the claim that Rajan Kumar worked in that Exchange since 17-10-2000 is baseless. According to the management the claim of Rajan Kumar is fit to be rejected.

5. Upon the pleadings of the parties and keeping in view the terms of Reference the following points arise out for decision :—

- (i) Was Rajan Kumar appointed as Safai Karamachari in ESWD Tax Patliputra Exchange of Bharat Sanchar Nigam Ltd., Patna?
- (ii) Whether Rajan Kumar worked in that Exchange from 17-10-2000 to 6-5-2003?
- (iii) Whether the services of Rajan Kumar was terminated illegally on 6-5-2003 by the management?
- (iv) To what relief of reliefs Rajan Kumar is entitled?

Point No. (i):

6. Both the parties have adduced evidence in support of their contentions. The management has examined only one witness namely, M. M. Khan (M. W. 1/2) who is the Legal Supervisor of Bharat Sanchar Nigam Limited, Briefly Called B. S. N. L. No documentary evidence has been adduced on behalf of the management. M. M. Khan

(M. W. L.) has stated that ESWD Exchange in Patliputra was installed in the year 2001 and the claim of workman that he worked in ESWD Tax of Patliputra Exchange from October, 2000 is baseless. The said statement of M. W. 1 has not been challenged by the workman in cross-examination. It has been taken in cross-examination of M. W. 1 that no Safai Karamchari was appointed in his Department from twenty years back, the recruitment has been banned since 1985.

7. Rajan Kumar has examined himself as W. W. 1 besides two others namely Sri Sahadeo Ram (WW2) and Sri Moti Ram (WW3). One photo copy of ACG form-17 of BSNL has been marked exhibit W through witness Sri Sahadeo Ram (WW2). It is pertinent to mention here that there is no appointment letter showing appointment of Rajan Kumar in Patliputra Exchange. As regards the same Rajan Kumar (WW1) in his statement has stated that ADT. Himanshu Kumar had appointed him and had told to issue appointment letter later on but the same was not issued. It does not stand to reason as to why somebody will appoint a person orally that too in a firm like Bharat Sanchar Nigam Limited. I may mention that Rajan Kumar has neither alleged that his attendance used to be made nor has produced any chit of paper to show that his attendance used to be made. On that count also his claim that he was appointed and worked up to 6-5-2003, does not appear reliable.

8. Rajan Kumar in his statement before the Tribunal has stated that his signature used to be taken on the form and salary used to be paid to him, Rs. 400/- (Rs. four hundred) only per month. WW2 has exhibited photo copy of ACG Form-17 of Bharat Sanchar Nigam Limited (Ext. W) and has stated that Rajan Kumar used to be paid salary on that form. But Ext. W shows something against their statement. It shows that Rajan Kumar was paid Rs. 400/- for his work done for 8 days from 24-4-2002 to 1-5-2002 @ Rs. 50/- per day. Again it shows that Rs. 600/- was paid to him for the work done @ Rs. 50/- per day. Thus I find that Ext. W does not support the contention of the workman that he was paid monthly salary @ Rs. 400/- per month rather it supports the contention of the management that work on contract for a few days was taken from Rajan Kumar and payment was made to him for the same.

9. The workman witness Nos. 2 and 3 have stated that Rajan Kumar used to work in Patliputra Exchange. From the statement of W. W. 2 it appears that he claimed to be the casual visitor to Patliputra Exchange and claimed to have seen Rajan Kumar working there. His cross-examination shows that he has no knowledge as to when Rajan Kumar was employed, when he was removed and how much amount he was paid. He does not appear to be a competent witness on the point of appointment as alleged by Rajan Kumar. W. W. 3 has stated that Rajan Kumar worked in Patliputra Exchange from the year 2000, he was removed from employment in the year 2003. From his statement in cross-examination it appears that he is not an independent

witness nor he can say correctly as to what amount was paid to Rajan Kumar by the management of B. S. N. L. Hence the statements of both the witnesses on the point of appointment is liable to be discarded.

10. From the above discussions I come to the conclusion that neither oral nor documentary evidence support the case of Rajan Kumar on the point of his appointment as Safai Karamchari in ESWD Tax Patliputra Exchange of B. S. N. L., Point No. (1) is accordingly decided in negative.

Point Nos. (ii) & (iii)

11. Since both the points namely point Nos. (ii) and (iii) are co-related I have taken up the said points together. I have already discussed the evidence adduced on behalf of the parties in preceding paragraphs while deciding point No. (i) and have come to the conclusion that Rajan Kumar was not appointed by the management of B. S. N. L. on 17-10-2000 as alleged by Rajan Kumar. I have also found on the basis of ACG Form-17 (Ext. W) exhibited on behalf of Rajan Kumar himself that he worked for a few days under the management and for that he was paid on daily basis @ Rs. 50/- per day. Under the circumstances discussed above I find that the claim of Rajan Kumar that he worked from 17-10-2000 to 6-5-2003 under the employment of B. S. N. L. does not stand proved rather it is a baseless claim. Since there had been no appointment the question of termination of service did not arise. On the same grounds I find that it has not been proved that the services of Rajan Kumar was illegally terminated on 6-5-2003 by the management. Accordingly, Point Nos. (ii) and (iii) are answered in negative.

Point No. (iv) :

12. I have decided point Nos. (i) to (iii) against Rajan Kumar and accordingly find that Rajan Kumar is not entitled to any relief claimed. This point No. (iv) is answered accordingly.

13. This is my Award.

V. RAM, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3441.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर, प्रोजेक्ट वरतक, C/o 99 एपीओ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण गुहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-14012/108/98-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Guwahati as shown in the

annexure in the Industrial Dispute between the employers in relation to the management of Chief Engineer, Project Vartak C/o 99 APO and their workman, which was received by the Central Government on 3-8-2006.

[No. L-14012/108/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL : GUWAHATI :
ASSAM

REFERENCE NO. 19 (C) OF 1999

PRESENT

Shri B. Bora, Presiding Officer,
Industrial Tribunal, Guwahati

In the matter of an Industrial Dispute between :

The Management of,
The Chief Engineer, project Vartak,
C/o 99 APO, Tezpur.

Versus

Their workman Md. Muktar Hussain, Tezpur.

Date of Award : 23-5-2006.

AWARD

The reference arising out of the Govt. Notification No. L-14012/108/98/IR(DU) dtd. 26-4-99 related to the dispute indicated in the schedule below :

"Whether the action of the management of the Chief Engineer, project Vartak, C/o 99 APO, Tezpur in dismissing Sh. Md. Hussain from his service is legal and justified? If not, to what relief the workman is entitled?

The Management is present. The workman is absent without step. Several notices were sent to the workman but the workman is not traceable. Hence, this reference has become infructuous and can not be heard.

In the result, this reference is dropped for want of the presence of the workman. This may be treated as no dispute award.

B. BORA, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार अधिकरण/श्रम न्यायालय ईरनाकुलम के पंचाट (संदर्भ संख्या 30/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-14012/35/2004-आई आर(डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3442.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2006) of the Central Government Industrial Tribunal cum Labour Court, Ernakulam as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Garrison Engineer and their workman, which was received by the Central Government on 3-8-2006.

[No. L-14012/35/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM

PRESENT: Shri P.L. Norbert, B.A., LL.B., Presiding
Officer

(Tuesday the 18th day of July, 2006 / 27th Ashadha, 1928)

I.D. 30/2006

(I.D. 2/2004 (C) of the State Labour Court, Ernakulam)

Workman : Shri P. S. Vinod Kumar "Sreebhavan",
Kummanam P.O. Kottayam.

By Advocate Shri Balakrishnan Gopinath.

Management : Garrison Engineer E/M Military
Engineer Service (MES) Naval Base
P.O. Kochi-682 004.

By Advocate Shri K.S. Dilip.

AWARD

This is a reference made by Central Government under Section 10 (1)(d) of Industrial Disputes Act, 1947 to this court for adjudication. The reference was originally made to the State Labour Court. Later it was transferred to this court as per the order of the Hon'ble High Court of Kerala. The reference is :

"Whether the demand of Sh. P. S. Vinod Kumar from the management of Garrison Engineer (E/M) MES, Southern Naval Command, Naval Base P.O., Cochin for reinstatement and regularization of his service is just and fair? If so, to what relief the workman entitled?

2. Both are remaining absent continuously. No documents are produced to substantiate the claim. Parties are not serious in pursuing the matter. Thus there is no existing dispute. Therefore the claim is dismissed and an award is passed accordingly. No cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of July, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX : NIL.

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3443.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II चण्डीगढ़ के पंचाट (संदर्भ संख्या 654/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/181/2001-आई आर(डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 654/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No. L-40012/181/2001-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR-COURT-II,
CHANDIGARH**

Presiding Officer: Shri Kuldip Singh

CASE NO. I.D. No 654/2k5

Registered on 24-08-2005

Date of Decision 21-07-2006.

The General Manager, Telecom, E 10-B Building,
Bhatinda (Punjab)-151001.

....PETITIONER

Versus

Surender Kumar C/o Shri N.K. Jeet, 27349, Lal Singh
Basti Road, Bhatinda (Punjab)-15100

....Respondent

APPEARANCE

For the Workman: Nemo

For the Management: Mr. G.C. Babbar, Advocate.

AWARD

On the last date of hearing, the workman was not present and on a date earlier to that his representative Sh. N.K. Jeet stated that he has no instructions to appear in the case. It was in these circumstances fresh notice was sent to the workman under R/C. The notice sent to the workman has not been received back unserved even after the expiry of statutory period of 30 days nor he is present. This shows that the notice has been served upon the workman, but he has decided not to appear. There is reason to presume his service in the case. Despite that he is not present.

The Government of India vide their notification

No. L-40012/181/2001(IR(DU)) dated 5th Sep., 2001 referred the following matter for the adjudication of this Tribunal. The notice of the reference was issued to the parties, who appeared and the workman filed his statement of claim on 2nd Feb., 2005. The Management filed reply to the Claim Statement, duly supported by affidavit of Shri H.L. Bagla. As against it neither the workman filed his affidavit nor has appeared as a witness to stand to the cross-examination of the Management. Practically, there is absolutely no evidence for and against the reference on record. Therefore, it cannot be said that the Management had terminated the services of the workman without just and legal cause. Thus, the workman has failed to prove that the Management had terminated his services and that was bad in law. He is, therefore not entitled to any relief. As a result thereof the reference is answered in these terms. Let a copy of this award be sent to the appropriate Government and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1080/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-06 को प्राप्त हुआ था।

[सं. एल-40012/17/2002-आई आर(डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3444.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1080/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No. L-40012/17/2002-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, CHANDIGARH**

Presiding Officer: SHRI KULDIP SINGH

CASE NO. I.D. No. 1080/2k5

Registered on 21-09-2005

Date of Decision 21-07-2006

Beant Singh S/o Shri Mukund Singh, VPO Dhukot
Ransih Teshil Nihal Singh Wala, Moga.

....Petitioner

Versus

The General Manager, Telecom, BSNL, Ferozepur.

.... Respondent

APPEARANCE

For the Workman : Lamber Singh
 For the Management : Deepali Puri, Advocate.

AWARD

The workman is not present. Management appears through Counsel.

As per the record of the file when the workman stopped appearing in the case in person or through representative, a notice under R/C was issued to him vide Postal Receipt No. 258 dated 1st May, 2006. Till date the notice sent has not been received back unserved. The workman is also not present. This shows that the notice has been served upon the workman but he has not taken the option to appear in the case and it shows that he has lost interest in the trial of this case.

The Government of India vide notification No. L-40012/17/2002-IR (DU) dated 7th June, 2002 desired to know whether Shri Beant Singh, the workman had worked with SDE(G) Nihal Singh Wala, Moga and if so, whether the action of the Management of General Manager, telecom Ferozepur in Terminating his services w.e.f. 23rd June, 2001 was just and legal and if not, to what relief the workman is entitled to and from which date? The workman in his statement of claim submitted that he had served the Managements as a Line Man for more than 240 days on a salary of Rs. 1200 p.m. and that the Management had terminated his services on 23rd June, 2001 without notice, charge sheet, inquiry or compensation. The Management retained his juniors and terminated his services and thereby they acted with malafide, with victimisation and unfairly. The Management in their Written Statement denied the claim of the workman emphatically and raised further objections. The Management supported their claim with the affidavit of SDE(G) Nihal Singh whereas the workman absented from court appearance and has not appeared so far.

On record I do not find any evidence to show that the workman had served SDE(G) Nihal Singh as is claimed. There is no support to the claim made by the workman in the statement of Claim and there is no rebuttal to the affidavit of Nihal Singh SDE(G). I am, therefore, of the opinion that there is no evidence to show that the workman had served the Management as is claimed and his services were terminated by the Management in violation of the provisions of the Industrial Disputes Act. He is, therefore, not entitled to any relief. The award is passed in these terms. Let a copy of this award be sent to the appropriate Government and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3445.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II चण्डीगढ़ के पंचाट (संदर्भ संख्या 1079/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-06 को प्राप्त हुआ था।

[सं. एल-40012/19/2002-आई आर (डी. यू.)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3445.— In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1079/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No. L-40012/19/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT-II,
 CHANDIGARH**

Presiding Officer : Shri Kuldip Singh

CASE NO. I.D. No.1079/2k5

Registered on 21-09-2005

Date of Decision 21-07-2006

Chamkour Singh S/o Shri Jit Singh, VPO Dhurkot Ransih,
 Teshil Nihal Singh Wala

PETITIONER

Versus

The General Manager, Telecom BSNL, Ferozepur

RESPONDENT

APPEARANCE

For the Workman : Harpal Singh
 For the Management : Deepali Puri, Advocate.

AWARD

The workman continues to be absent. Notice to him was issued and sent under R/C postal receipt No. 0247 dated 1st May, 2006. More than 30 days after the issuance of notice have passed by but the workman is not present. His previous conduct also shows that even on earlier notices he did not appear in the case, in this Court. Thus, the Court is satisfied that the workman is not interested to follow his case.

The workman on getting the notice of the reference No.L-40012/19/2002 (IR(DU)) dated 7th June, 2002 and filed his Claim Petition claiming that he was employed by the Management as a Line Man on a salary of Rs. 1200 p.m and he served them for 240 days till 23rd June, 2001 when his services were terminated on that day without any notice, charge-sheet, inquiry nor he was paid any compensation. The Management retained his juniors whereas dispensed with his services thereby further violated the provisions of Industrial Disputes Act, hereinafter to be referred as Act.

The Management filed reply to the Claim Petition and denied the relationship as claimed by the workman and other assertions so made. They also placed on record the photocopies of a number of documents and filed the affidavit of their witness in support of the statement. However, the workman stopped appearing in the case and as stated above he was given a final notice under R/C to which he has not responded. There is, therefore, no evidence on record to show that the workman had worked with the Management and that the Management terminated the services of the workman on 23rd June, 2001, without any just and legal ground. In my opinion the workman is not entitled to any relief in the circumstance. The award is passed against the workman holding that he is not entitled to any relief. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3446.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 644/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/174/2001-आई आर (डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3446.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 644/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No.L-40012/174/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer: SHRI KULDIP SINGH

CASE NO. I. D. No. 644/2k5

Registered on 24-8,-2005.

Date of Decision 21-7-2006.

Bani Singh C/o Shri N. K. Jeet, 27349, Lal Singh Basti Road, Bhatinda (Punjab).

....Petitioner

Versus

The General Manager, Telecom, E 10-B Building, Bhatinda (Punjab).

.... Respondent

APPEARANCE

For the Workman : NEMO

For the Management : Mr. G.C. Babbar
Advocate.

AWARD

The workman is not present. Management appears through Counsel.

As per the record, notice to the workman was sent under R/C through Postal Receipt No.0840 dated 26th May, 2006. The notice sent has not been received back unserved even after the expiry of the statutory period of 30 days. There is presumption that the notice was served upon the workman, but he has chosen not to appear in the case. Even on earlier occasions the workman did not attend the Court and even his statement of claim was signed by his representative who has also stopped coming to the Court. Thus, the case is being considered in the absence of the workman.

It has been claimed by the workman that he served the Management on a permanent job w.e.f 1st Nov., 1992 and was getting a salary of Rs. 2140 per month when on 1st March, 1999, the Management terminated his services without notice, chargesheet, inquiry and compensation. He has also claimed that the Management retained the juniors whereas dispensed with his services. The Management has categorically denied the claim of the workman. They have supported their Written Statement with the affidavit of their witness whereas the workman has filed his own affidavit and also submitted photocopies of some documents. Thereafter, he stopped appearing in the case even after a notice under R/C.

On record, I do not find any evidence duly proved to support the claim of the workman. Neither the workman appeared as a witness nor he proved the documents placed on record. On the other hand there has also come no occasion for the Management to produce their evidence. It is in these circumstances the case has been considered. On record, I do not find any evidence to show that the

workman had served the Management from 1992 to 1999, when on 1st March, 1999, the Management had dispensed with his services in violation of provisions of the Industrial Disputes Act. Thus, the award is passed holding that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Govt. and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3447.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 649/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/520/2000 आई आर (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3447.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 649/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 3-8-2006.

[No. L-40012/520/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Shri Kuldip Singh, Presiding Officer

CASE NO. I.D.649/2005

Registered on 24-8-2005.

Date of Decision : 21-7-2006.

Shri Padam Kumar S/o Shri Manohar Lal C/o 27349,
Lal Singh Basti Road, Bhatinda (Punjab).

... Petitioner

Versus

The General Manager, Telecom, Amritsar (Punjab) 143001.

... Respondent

Appearances :

For the Workman : Mr. N. K. Jeet

For the Management : Mr. G. C. Babbar,
Advocate.

AWARD

The workman is not present. On the last date of hearing it was stated on behalf of Mr. N. K. Jeet, who represented the workman earlier that the workman has expired. So far nobody has come forward to claim as the Legal Representative of the workman. Even earlier, the notice to the workman was issued on the address available i.e C/o Mr. N.K Jeet, his representative. There is no other address on which a notice could be sent to the LR's of the deceased workman or at his last known address so as to convey the information to the LR's that nobody is appearing for the workman in the case which started at his request on a reference from the Govt. of India.

On record, there is only the Claim Statement of the workman that to in signed by his representative Sh. N.K Jeet. There is absolutely no evidence produced, to show that the workman served with the Management and the Management terminated his services, without any just and legal cause. Thus, there is no justification for the workman to claim that his services were terminated by the Management in violation of provisions of the Industrial Disputes Act; and that they further violated the provisions of the Act by retaining juniors and dispensing with the services of the workman and by recruiting fresh hands, without providing opportunity to the workman for service. The reference is, therefore, answered against the workman for want of evidence holding that the workman is not entitled to any relief. Let a copy of this award be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 4 अगस्त, 2006

का.आ. 3448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोम्बे मेरकेन्टाइल को बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-I, मुम्बई के पंचाट (संदर्भ संख्या 2005 का 32) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/178/2005-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 4th August, 2006

S.O. 3448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32 of 2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bombay Mercantile Coop. Bank Ltd., and their workman, which was received by the Central Government on 3-8-2006.

[No. L-12012/178/2005-IR (B-1)]

AJAY KUMAR, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, MUMBAI**

PRESENT:

JUSTICE GHANSHYAM DASS, Presiding Officer

Reference No. CGIT-32 of 2005

Parties: Employers in relation to the management of
Bombay Mercantile Co-op. Bank Ltd.

AND

Their workman

APPEARANCES:

For the Management : Shri Biraidar, Adv.
For the workman : Shri Nabar, Adv.
Workman present in Person
State : Maharashtra
Mumbai, dated the 18th day of July, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section I of Section 10 of the Industrial Disputes Act 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No.L-12012/178/2005-IR(B-I) dated 25-11-2005. The terms of reference given in the Schedule are as follows :

“Whether the action of the management of Bombay Mercantile Co-operative Bank Ltd., Mumbai in dismissing the services of Shri Syed Mazhar Abbas is justified? If not, what relief Shri Syed Mazhar Abbas is entitled to?”

2. The matter came up for hearing today. The workman has appeared in person and has moved an application for withdrawal of the reference. He says that the matter is already settled out with the Bank and he has no grievances against the Bank.

3. In view of the above, the reference is dismissed as prayed.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 7 अगस्त, 2006

का.आ. 3449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबध. में निर्दिष्ट औद्योगिक विवाद में अधिकरण/श्रम न्यायालय नं.-11, चंडीगढ़ के पंचाट (संदर्भ संख्या 54/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-06 को प्राप्त हुआ था।

[सं. एल-12012/131/2004-आई आर (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th August, 2006

S.O. 3449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. 11, Chandigarh as shown in the annexure in the Industrial Dispute between the management of Bank of India and their workmen, which was received by the Central Government on 2-8-2006.

[No. L-12012/131/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, CHANDIGARH**

Presiding Officer: Shri Kuldip Singh

CASE NO. I.D.No 54/2k4

Registered on 30-11-2004

Date of Decision 24-07-2006

Shri Mangat Ram, 58, Adarsh Colony, Rajgarh Road,
Hissar-125001

.....Petitioner

Versus

The Chief Manager, Bank of India, Panipat.

.....Respondent

APPEARANCE

For the Workman : Petitioner in Person
For the Management : Mr. Ranjan Lohan, Advocate

AWARD

On the petition of the workman and the failure of conciliation report, made by the ALC(C) Faridabad, the Govt. of India referred the following matter for the adjudication of this Tribunal, vide their notification No. L-12012/131/2004-IR (B-II)-dated 29th Sep., 2004:

“Whether the action of the Management of Bank of India in dismissing the services of Shri Mangat Ram vide order dated 20-1-2001 is legal and justified? If not, what relief is the concerned workman entitled to?”

On the notice issued, to the parties appeared the workman filed his Claim Petition dated 11th Feb., 2005 and then supplemented it with his another Claim Petition dated 27th March, 2005. The Management filed the Written Statement, a copy of which was provided to the workman. The workman filed his affidavit on 28th April, 2005 whereas the Management filed the affidavit of their two witnesses, but examined only one of them Shri Raj Bahadur. The Management also placed on record the photo copies of the inquiry proceedings, a copy of which was also provided to the workman.

The claim of the workman is that he was working as a Clerk-cum-Cashier at the N.F.L Extension Counter, Bank of India Panipat, when he received a direction dated 30th Sep., 2000 from Deputy Chief Manager as Inquiry Officer to appear before him for inquiry, on 26th Sep., 2000. According to him, after the inquiry, the Chief Manager and the Disciplinary Authority, Panipat, awarded him the punishment of dismissal on 20th Jan., 2001. His claim is that he was appointed as Clerk-cum-Cashier by the Zonal Manager, Chandigarh, *vide* his letter dated 28th May, 1996 and he had joined the duties on 5th June, 1984. The order of his dismissal is bad in law for the reason that it is issued in violation of Article 311 (1) of the Indian Constitution, as having been issued by an authority subordinate to the Zonal Manager who was the appointing authority. He has further contended that since the inquiry was ordered against him by the Chief Manager and the inquiry officer was also appointed by him, therefore, the chargesheet as well as appointment of inquiry officer, was bad having been issued by the Authority subordinate to the Appointing Authority. He has further claimed that the disposal of his appeal by the Chief Manager, Chandigarh, was also bad since the same should have been also decided by authority higher in the rank to the Zonal Manager. He has prayed for his reinstatement in service with full backwages and other service benefits including increments, promotions etc. He has also claimed 75% of the relief by the date of his reinstatement.

The Management has opposed the claim of the workman claiming the same having been lodged two and half year after the date of his dismissal. After giving the detail of the circumstances in which the inquiry was held against the workman and punishment awarded to him, it is stated by the Management that since five out of six charges levelled against the workman were proved, therefore, the Disciplinary Authority per examining the enquiry report and after giving personal hearing to the workman awarded him the punishment of dismissal from service. The Appellate Authority also heard the workman in person. Besides examined the record and upheld the punishment awarded by the Disciplinary Authority. According to them a fair and just inquiry was held against the workman who was provided with full opportunity to defend himself and only then the punishment was awarded to him.

The workman has challenged the order of his dismissal mainly on the ground of violation of provisions of Article 311(1) of the Indian Constitution which in principle guarantees that no employee can be dismissed by an authority lower in rank to that of the appointing authority. The workman in para 3 of his Claim Petition claimed that he was appointed as a Clerk-cum-Cashier by the Zonal Manager, Bank of India, Zonal Office, Chandigarh by a letter dated 25th May, 1984 and he joined the duties on 5th June, 1984. The Management in reply to this claim assertion stated that the contents of para No.3 of the Claim Statement

are not denied to the extent of appointment of the workman as Clerk-cum-Cashier and his joining the duty. In the subsequent para of his Claim Petition the workman claimed that the order of his dismissal is bad in law having been passed in contravention of Article 311 (1) of Indian Constitution as in the case of the petitioner workman, only the Zonal Manager, Bank of India, Chandigarh could award the punishment. The Management, in reply to this assertion stated that the claim of the workman is wrong and hence denied. According to them the order of dismissal was passed by the Disciplinary Authority and it was upheld by the Appellate Authority as legal, valid and well reasoned. They have further claimed that in terms of order No. SR 224 dated 27th Jan., 1999, Chief Manager, Panipat was the disciplinary authority and in that capacity he had passed the order under dispute. The Management in reply to the para No. 5 of the Claim Petition took the same stand that the charge sheet against the workman was issued by a competent authority and so the same was legal and valid.

The facts which are not in dispute that the workman was appointed as a Clerk-cum-Cashier *vide* order of the Zonal Manager, Chandigarh dated 28th May, 1984 and he had joined the duties on 5th June, 1984; that an inquiry was ordered against the workman by the Chief Manager, Panipat in his capacity as the Disciplinary Authority, Panipat *vide* order dated 20th Jan., 2001 and after considering the report of the inquiry officer, the disciplinary authority proposed the punishment of dismissal from service against the workman *vide* order dated 20th Jan., 2001. His appeal was also dismissed by the appropriate authority *vide* order dated 16th April, 2001. The claim of the workman is that neither the Chief Manager, Panipat was competent to order inquiry against him nor he could appoint the inquiry officer and pass the order of his dismissal as he was below the rank of Zonal Manager, who was the Appointing Authority of the workman. He was also challenged the order of the Appellate Authority saying that the same is also passed by an incompetent person as his appeal could be heard only by an authority higher in rank to Zonal Manager, Chandigarh. As against to it, the Management has taken the plea that the Chairman-cum-Managing Director *vide* his order No. SR 224 dated 27th Jan., 1999 vested the power of Disciplinary Authority in the Chief Manager, Panipat Branch, therefore, the said Chief Manager was a competent authority to order the disciplinary action against the workman and pass orders against him. The workman has challenge this also saying that the Chairman-cum-Managing Director had no authority to delegate powers to the Chief Manager, Panipat and it was only the Board of Directors or by the Executive Committee which could delegate such powers. That having not been done, the Chief Manager, Panipat was not competent to initiate disciplinary proceedings against the workman and pass order of his dismissal from service.

I have considered the submission made by the workman and have also gone through the authorities referred to by the workman in support of his contention such as case of Baldev Singh V/s. the Secretary to Govt. of Punjab, Rehabilitation Branch Chandigarh and others reported as Vol. IX 1969 Current Law ground 625, AIR 1979 Supreme Court 1921, 1990(2) Recent Service Judgments, 391. I have also perused the judgment referred to by the Management such as Bank of India V/s Brijraj Singh MPA(SW 220/1999) decided by the Division Bank of J&K High Court, the case of Punjab & Sind Bank & others V/s Sakta Singh, reported as 2001-I-LLJ 174 & Pyare Lal Sharma V/s MD J&K Industries Ltd. & others, reported as 1990 1st LLJ32. In my opinion the law laid down by the Hon'ble Supreme Court in the case of Pyare Lal Sharma(Supra) is the law when is applicable to the facts of the present case. Their Lordship in para No .37D of the judgment has laid down as under.

"... hence the position of the Civil Servant who are governed by Article 311 is entirely different, but a provision like grounds (C&D) in Regulation 16.14 concerning the employees of Companies/Corporations/Public Undertaking is within the competence, of the Management and the said regulation is not arbitray and is not ultra virus of Article 14 of the constitution".

In para No.19 their lordship held as under:

"The employee was appointed by the Board of Directors. The power of the Board of Directors to appoint officers of petitioner's category was delegated to the Managing Director on 12th July, 1994. Employees of the company are not civil servants and as such they can neither claim the protection of Art. 311 (1) of the constitution of India nor the extension of direct guarantee on parity. There is no provision in the articles of association or the Regulations of the company giving same protection to the employees of the company as is given to the Civil Servants under Art. 311(1) of the constitution. An employee of the company cannot therefore, claim that he cannot be dismissed or removed by an authority subordinate to that by which he was, appointed....."

In the present case it is an admitted fact that the workman was appointed by the Zonal Manager and he was removed from service by the Chief Manager, Panipat, who was definitely subordinate to the Zonal Manager, Chandigarh. The Management has taken the support of order No. SR 224 dated 27th Jan., 1999. The workman has not disputed the existence of this order. He has only claimed that the Chairman-cum-Managing Director could not sub- delegate the powers to remove the workman and it could only be done by the Board of Directors or by the, Executive Committee. The Management has placed on record the relevant standing orders governing the

Management Bank. Under clause 19.40 the competent authority authorized the Chief Executive Officer or the Principal Officer in India of a Bank or an alternative officer at the Head office or the principal office appointed by him for the purpose, shall decide which officer shall be empowered to hold the inquiry and take disciplinary action in the case of each office or establishment. He shall also be decide which officer or a body higher in status than the officer authorized to take disciplinary action shall be empowered to deal with and dispose of any appeal against the order passed in the disciplinary matters.....In the present case the Chairman-cum-Managing Director issued order SR 224 dated 22nd Jan. 1999 under the authority of clause 19.14 and appointed the Chief Manager, Panipat as the Disciplinary Authority and Chief Regional Manager as the appellate authority, which, in my opinion, were the competent authorities to take disciplinary action against the workman and decide his appeal. The workman, who, was not a civil servant could not claim the protection of article 311(1) of the Indian Constitution as the guarantee contained. in that, provision was not extended, to the employees of the companies corporation and public under takings. The Bipartite settlements and the Awards also did not carry that protection nor the articles of the Association or Regulation of the Management Bank provided that protection to its employees. As per the Bipartite agreement and the Regulations of the Management on the day, the inquiry was initiated against the workman, Chief Manager, Panipat was competent Disciplinary Authority and the Chief Regional Manager was the Appellate Authority to decide his appeal. Therefore, the plea raised by the workman is not tenable to him; hence the same is rejected. The authorities referred to by the workman such as Baldev Singh's case, the case of Krishan Kumar reported as AIR 1979 SC 1912 and 1990(2) Recent Service Judgments page 390, are not helpful to the workman. The judgements of Baldev Singh & Krishan Kumar cases (Supra) the workmen were the Civil Servant, whereas the case of Hardawari Lal reported as 1990(2) Recent Service Judgments 390, does not hold good in the face of Pyare Lal Sharma case (Supra). The workman has not challenged his dismissal on any other ground in his statement of claim nor has raised any other point during the course of arguments.

After due consideration of pleadings of the parties, the evidence produced by them and the law referred, I am of the opinion that the action of the Management in dismissing the services of Shri Mangat Ram *vide* order dated 20th Jan., 2001 is legal and justified. Therefore, the workman is not entitled to any relief. The award is passed in these terms. Let a copy of it be sent to the appropriate Govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 7 अगस्त, 2006

का.आ. 3450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ संख्या 9/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/25/2003-आई आर(बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th August, 2006

S.O. 3450.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the annexure in the Industrial Dispute between the management of United Bank of India and their workman, which was received by the Central Government on 2-8-2006.

[No. L-12012/25/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT BHUBANESWAR****PRESENT:**

Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Industrial Dispute Case No. 9/2003

Date of Passing Award - 19th June, 2006

BETWEEN:

The Management of the Chief
Regional Manager, United Bank of India,
Regional Office A-18, Kalpana Area,
Bhubaneswar, Orissa.

... 1st Party-Management

And

Their Workman, Shri Surendra K. Panigrahi,
At. Rajapara, Padampur, P. O. Rajborasambar,
Dist. Bargarh, Orissa—768036

.... 2nd Party-Workman

APPEARANCES:

Mr. Amit Moitra, Deputy Regional Manager (Law)	...	For the 1st Party- Management.
Shri Surendra Kr. Panigrahi	...	for Himself, the Workman

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication *vide* their Order No. L-12012/25/2003-IR (B-II), dated 28-03-2003 :

"Whether the action of the Management of United Bank of India in relation to their Bargarh Branch in imposing the punishment of removal from service on Shri S.K. Panigrahi. Ex-CCG with effect from 12-9-2001 is legal and justified and proportionate to the misconduct committed by the workman? If not, what relief the concerned workman is entitled to?"

2. The shortly stated Case of the 1st Party-Management is as follows :—

That the 2nd Party-Workman Shri Surendra Kumar Panigrahi was working as a Cashier-cum-General Clerk in the Branch Bank of the Management at Bargarh. On 6-5-1996 he identified one Ranjan Kumar Sarangi to open a Savings Bank Account No. 3741 with a cash deposit of Rs. 50 and then by signing in the relevant register took possession of the pass book on behalf of the account holder from the bank. Subsequently the account holder presented, an outstation bank cheque for Rs. 250 to be credited in his account and after realization an amount of Rs. 235 was credited in his above account and by 12-1-1996 there was a credit balance of Rs. 85 in his account. On 18-11-1996 the account of the passbook holder showed a credit balance of Rs. 52,000 though there was no credit voucher evidencing deposit of further amount. The workman on that day presented a withdrawal slip for Rs. 50,000 under his own hand writing but with the genuine signature of the account holder Shri Ranjan Kumar Sarangi and received the amount on the basis of the passbook of which he was in possession. Thereafter while in the seat of cash receiving counter the workman on 15-2-1997 filled in one pay in slip for Rs. 48,000 and sent it under his seal and signature to the clerk incharge of ledger for making necessary credit entry in the above account. But while sending it he did not make any corresponding entry in the cash receipt register at his level and then got the sub-cash book written through another employee even though it was his duty to maintain the same. It is alleged by the Management further that after making such entry in the sub cash-book he got to the totalling figure corrected and then spilled ink over it so that one can not easily detect the mistake. It is further alleged by the management that after manipulating the account in the above manner the delinquent on 20-2-1997 again withdraw Rs. 50,000 through a withdrawal slip and later supplied a duplicate pass book to the account holder by only entering the genuine transactions with which he was concerned. While making a detail investigation the Vigilance Department of the bank came to know that the workman with the help of Krushna

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Chandra Panigrahi, a cash peon, collected and destroyed the relevant Account Opening Form. Specimen Signature Card, two paid withdrawal slips each for Rs. 50,000/- and the Ledger Sheet or Account No. 3741. As during the above investigation the workman by admitting his misdeeds begged for an excuse in writing the management by taking into account all these framed necessary charges and on conclusion or enquiry removed him from service, with superannuation benefits but without disqualification from further engagement. The delinquent not being happy with the above punishment preferred appeal before the competent authority but it was of no consequence.

3. While challenging above action of the Management the workman in his claim statement averred that the holding or the domestic enquiry was nothing but a hoax. According to him the said enquiry was not conducted in a fair manner in as much as the documents basing on which charges were framed were never supplied to him and that both the Enquiry Officer and the Appellant Authority are guilty of not appreciating the evidence in its proper perspective.

4. The main attack of the workman being in regard to the fairness and propriety of the domestic enquiry the following sole issue was framed.

ISSUES

1. Whether the domestic enquiry conducted against the workman is fair and proper?

ISSUE NO. 1

5. To establishment the fairness of the domestic enquiry the Management besides producing the concerned proceeding file has examined the Enquiry Officer while the workman has examined himself to counter act the stand of the Management.

6. While questioning the fairness of the domestic enquiry the workman deposed that necessary document on the basis of which charges were framed against him were not supplied to him along with the charge-sheet. Even though he failed an application during enquiry for supply of certain documents the same were not supplied nor the Management witness to whom he desired to examine were called upon to adduce their defence.

7. As regards the 2nd objection it be stated that it is the prerogative of the Management to pick and choose his witness and the workman can not compel him to examine any particular witness. If the workman is really interested in the evidence of such witness he could examine them on his behalf which has not been done by the workman. Therefore for non-examination of any particular witness by the Management the proceeding can not be held bad. Similarly in regard to the first objection the proceeding file shows that the workman had called for several documents including those for missing of which he has been charge sheeted while in respect of other documents he has been

allowed to inspect the same. Therefore, no serious view can be taken for non-supply of these, documents to the workman. The proceeding file further shows that the workman was allowed to be defended by a co-worker of his choice and during enquiry he was allowed to go through other records upon which the Management relied upon during enquiry in the absence or the hase level missing documents and that the delinquent officer was also given opportunities to be heard before the final order was passed. As regards the other requirements of a fair trial, I find, after going through the proceeding file that there is no other serious non-observation or the principles of natural justice and accordingly I hold that no seeming infirmities have been committed in holding the enquiry.

8. As regards the other submission of the workman for reappraisal or the evidence on record in the back drop of the observation of the Apex Court in the case between the Fire Stone Type & Rubber Co. Limited reported in AIR 1973 SC 1227 it may be noted here that while dealing with a self same subject relating to reappraisal of evidence the Apex Court have held in the case between the High Court of Judicature at Bombay -Versus- Udaya Singh (AIR 1997 SC 2286) and in another case reported in AIR 1997-SC-2631 that the sufficiency or evidence and correctness of evidence are not to be examined by the court though it may be (Sic.) possible to arrive at a different conclusion. Basing on the aforesaid two judgements or the Apex Court the High Court or Allahabad have held in a case reported in 2005-11-LLJ-89 that in a matter of disciplinary enquiry the scope of judicial review with regard to assessment of evidence is very limited. It is only when the enquiry officer violates the principles of natural justice or any mandatory provision of law, the judicial review is permissible. The Court has to be slow in scrutinizing the appreciation of the evidence by the enquiry officer, unless the intervention is absolutely necessary on the ground that there was no material or that there was any perversity with the finding. The strict rules of evidence do not apply to disciplinary enquiry. Even if there are some discrepancies in evidences the court can not interfere with the findings recorded by the enquiry officer and accepted by the disciplinary authority.

9. While examining the evidence on record in the light of the above observation of different court I find there is hardly any scope for the Tribunal to differ from the finding of the enquiry officer. The workman in his claim statement has admitted that he had identified one Rajan Kr. Sarangi to open the Savings Bank Account No. 3741. He has also admitted that after opening of the account he had received the passbook of Shri Sarangi and that a duplicate pass book was issued to Shri Sarangi at a much later stage. The evidence collected further shows that when by 18-11-1996 the actual credit balance in the above account would have been Rs. 85 a balance of Rs. 52,000 was appearing in that account without a supporting credit voucher and

on that day an amount of Rs. 50,000 was withdrawn through a withdrawal slip written under the handwriting of the workman. The evidence further shows that while working in the cash receiving counter the workman on 15-2-1997 filled in one pay in slip for Rs. 48,000 and sent it under his seal and signature to the clerk in-charge of ledger for necessary credit entry in the above account but he did not make a corresponding entry in the cash receipt Register maintained at his level and thereafter through a withdrawal slip written under his hand writing withdrew Rs. 50,000 on 20-2-1997. The above action of the delinquent specially his action of not making a corresponding entry on 18-2-1997 for Rs. 48,000 in the cash Receipt Register as a token of deposit of cash clearly strengthen the involvement of the workman in the entire deal.

10. From the evidence it appears that during investigation stage the workman having admitted his fault had given his statement agreeing to refund the entire one lakh rupee which he had withdrawn in the aforesaid manner. The evidence also shows that pursuant to such undertaking he has also refunded a portion of the defalcated amount. As against the same it is claimed by the workman in his evidence that the above confessional statement was extracted from him by the officers of the Vigilance Department of the Bank and as such the same should not have been used against him. But his subsequent evidence shows that during preliminary investigation he was asked by the Vigilance Officer of the Bank to disclose the true state of affairs to avoid police intervention. This shows that he was given two alternative options either to disclose the true state or affair or to race a criminal proceeding in long run. During argument it was admitted that no police case was initiated against the workman. The workman also on the other hand admits to have had not reported to the police about such a statement being extracted from him by his authority under undue influence. This shows that the statement given by the workman was a voluntary one and therefore neither the disciplinary authority or the enquiry officer can be blamed for placing reliance on such statement of the workman.

11. Thus after meeting the various contention of the workman and after going through the evidence on record. I find that there is absolutely no perversity in holding the enquiry or in appreciating the evidence collected during the domestic enquiry. Considering the true roll expected of a bank employee I further hold that the Punishment given by the Management is totally proportionate to the charges and the same needs no interference from this quarter.

12. Accordingly the reference is answered, holding that the action taken against the workman by the Management is just, proper and according to the norms prescribed.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 8 अगस्त, 2006

का.आ. 3451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 110/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-06 को प्राप्त हुआ था।

[सं. एल-12012/96/2003-आई आर(बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 8th August, 2006

S.O. 3451.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110/2003) of the Central Government Industrial Tribunal cum Labour Court, New Delhi No. 11 as shown in the annexure in the Industrial Dispute between the management of Punjab National Bank and their workman, received by the Central Government on 1-8-2006.

[No. L-12012/96/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT - II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

Presiding Officer : R. N. Rai I. D. No. 110/2003

In the Matter of :—

Shri Harish Chopra,
S/o. Sat Pal chopra,
WZ-69/1-B, Meenakshi Garden,
And P.O: Tilak Nagar,
New Delhi - 110 018.

Versus

The Regional Manager,
Punjab National Bank,
Rajendra Bhawan, New Delhi - 110008.

AWARD

The Ministry of Labour by its letter No. L-12012/96/2003-IR(B-II) CENTRAL GOVERNMENT DT. 25-07-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank, New Delhi in awarding the punishment of compulsory retirement with superannuation benefits vide order dated 12-09-2000 upon Shri Harish Chopra, Ex. Clerk cum Typist is just, fair and legal? If not, to what relief the workman is entitled to and from which date.”

The claimant has filed statement of claim. In the statement of claim it has been stated that the action of the employer in awarding punishment of compulsory retirement of the workman from the services of the bank is illegal, unfair and without any reason, and without conducting a fair departmental inquiry as per law.

That the workman was posted at Punjab National Bank, Gurudwara Road, Karol Bagh, New Delhi-5 as Clerk cum Typist. He applied for provident fund loan on 18-05-1995 and thereafter received the credit of Rs.18,900 in his savings fund a/c towards the grant of said PF Loan.

The workman was served with a charge sheet dated 30/31-05-1995 from the employer thereby alleging that the signatures of Manager (Shri R.P. Sharma) on the said PF Loan application were forged.

Thereafter a departmental inquiry was instituted in which the defence representative of the workman demanded inspection of the said PF Loan application in original. The disciplinary authority also specifically allowed the inspection of the original PF Loan application by the defence representative (Shri Dleep Mehta) vide his order dated 07-06-1997. The defence representative visited the provident fund department many times with specific orders from the inquiry officer in the name of Manager, PF Department to produce the said PF Loan application before the defence representative for inspection. But no such PF Loan application existed in the PF Department.

The employer failed to produce the original PF Loan application even during conciliation proceedings despite repeated requests by the workman and his union representative (Shri Dleep Mehta) since no such document existed.

It is submitted that as per rules, the workman had submitted his PF Loan application in question to the Establishment Incharge at the branch for completing necessary formalities, viz. verifying workman's entries in the said PF Loan application and forwarding the same to the concerned Manager Establishment for proper recommendation and thereafter sending the same to the PF department. Trustee for his recommendation after entering the said application in the Dak despatch register of the branch since the PF Trustee was sitting in his office at Head Office Bhikaji Cama Place. Thereafter the Trustee enters the said PF Loan application in their Dak despatch register and sends the same to PF Department at Rajendra Place through their own messenger. The PF Department also takes its own time to enter the PF Loan application in their dak receipt register, verify the details, tallies the signatures of the Manager and the Trustee which are available in their records, as well as signatures of the workman concerned. If everything is found correct by the PF Department authorities, the PF Loan is sanctioned to the workman and a transfer pay order is made and sent to the branch authorities through PF deptt. Dak/Courier after

entering the said TPO in their own dak despatch register. When the said TPO was received at the branch the branch authorities enter the TPO in their TPO received register/dak received register and prepare the credit voucher and credit the amount of the said TPO in the savings fund of the workman. It may kindly be observed that it normally takes two weeks time to receive credit of the PF loan applied for by any workman/member of the provident fund trust. However, the employer claims that the said workman applied for PF loan on 18-05-1995 and the amount of PF loan was credited in his savings fund a/c at the branch the same day i.e. on 25-05-1995, which itself belies the statement of the employer vide their reply dated February 2004, 2003 addressed to the ALC(C). Had the signatures of the PF Loan application were forged by someone, after the workman had submitted his PF Loan application to the establishment Incharge for verification of details given by the workman in his application for PF Loan, the same could have been detected at any stage in the Branch itself before forwarding it to the PF department through the O/o. the Trustee, PF Department. It is quite unimaginable that final disbursement of said PF Loan to the workman was made with signatures of Manager forged by someone on the said application, after passing through so many departmental channels, that too in the bank where particular attention is given to the signatures on any document and are tallied and verified with the signatures of officers which are always available, handy and up to date in the official signature book of the bank.

That the punishment of compulsory retirement of the workman is vindictive and without completing the basic formalities like verification of original documents by the defence representative despite specific order dated 07-06-1997 of the concerned disciplinary authority in the matter.

In view of aforesaid facts and circumstances of the case, it is respectfully prayed that this Hon'ble Tribunal/Court may decide the dispute and give award in favour of the workman and against the employer by holding the said order of compulsory retirement dated 12-09-2000 as passed by the disciplinary authority and order dated 31-03-2001 as passed by the appellate authority thereby rejecting the departmental appeal of the workman, as a illegal and unjust and the workman may kindly be reinstated in the service of the employer bank with full back wages w.e.f. the date of his compulsory retirement, i.e. 12-09-2000 and all other consequential benefits like leave period, medical reimbursement, leave fair travel (LTC) etc. Besides adequate compensation may also be awarded in favour of the workman for causing him undue harassment and mental torture by the employer bank as represented by its disciplinary authority and the appellate authority. It is also prayed that the amount of compensation to be awarded to the workman may be ordered to be recovered from the salaries/pensions/other dues of the concerned disciplinary

authority and the appellate authority who have passed such mindless orders against the workman, without caring for his career, his family and the career of his school going children. It is prayed that no leniency may be shown towards the employer under the circumstances referred to above, so as to serve as a deterrent to the employer who indulges in such reckless behaviour towards the innocent workman by misusing their official power.

The management has filed written statement. In the written statement it has been stated that the service condition of the bank employee are governed by industry-wise awards and BPS as amended from time to time. Chapter 19 of the BPS dated 19-10-1966 deals with disciplinary action and procedure therefor. In terms of the provisions of the said Chapter bank can take disciplinary action against the workman staff who commits acts of misconduct as defined in the said chapter and impose the punishment keeping in view the charges established against the concerned workman staff, the Bank had taken disciplinary action against Shri Harish Chopra for the acts of gross misconduct committed by him during his posting at BO: Gurudwara Road, Delhi and punishment was imposed for proved charges in accordance with the provisions of the said chapter of the BPS. The workman concerned has not brought out any violation of the provision of the BPS.

Shri Harish Chopra, Clerk/Typist while working at BO: Gurudwara Road, New Delhi on 18-05-1995 applied for PF Loan on the prescribed loan application form. Since the deductions from his salary were exceeded 50% of his take home pay, his loan application was not recommended/forwarded by the Manager of the Branch. Thereafter, Shri Chopra managed to forge the signatures of Shri R.P. Sharma, Manager in the column "Recommendation of the office where working" and sent the application to the PF Department, HO, New Delhi for necessary sanction. The loan amount of Rs. 18,900 was sanctioned on the basis of the said application and amount was sent to him by way of a TPO by the PF department. Shri Chopra credited the proceeds in his SF Account No. 61754 at the branch on 25-05-1995 and withdrew the complete amount on the same day i.e. 25-05-1995.

Since it was observed that Shri Chopra had taken a loan by forging the signatures of the bank official, he was served with charge sheet dated 30/31-05-1995 of his acts of gross misconduct as defined in para 19.5(j) of the BPS. A departmental inquiry was conducted, wherein Shri Chopra along with his different representative participated and he was afforded reasonable opportunity to cross examine the bank's witnesses and to represent his case in defence. The inquiry officer submitted his report on findings of the inquiry.

The disciplinary authority considered the findings of the inquiry, the submissions made by Shri Chopra as well as the material placed on the entire inquiry record and held Shri Chopra guilty of gross misconduct in terms of

Para 19.5(j) of the BPS. The show cause notice dated 29-08-2000 was issued by the disciplinary authority proposing the punishment of "Compulsory Retirement" with superannuation benefits would be due otherwise at that stage and without disqualification from further employment, and a personal hearing was also fixed. Shri Chopra appeared for personal hearing before the disciplinary authority and made various pleas including following submissions :

"I am only the earning member of the family and two sons are studying in 10th and 8th, my wife is unemployed and my old parents are dependent on me. As such it would not be possible for me to survive if I am retired compulsorily. I request to give me time to submit my reply to the show cause notice."

Shri Chopra also submitted a reply to the show cause notice on 09-09-2000 wherein he stated that he had not committed any act of misconduct and the case may be withdrawn.

The disciplinary authority considered the pleadings and submissions made by Shri Chopra during the personal hearing as well as in his reply to the show cause notice and found that he had not placed any new facts which could call for any change in the proposed punishment and the said punishment was confirmed vide orders dated 12-09-2000.

Shri Chopra had also preferred an appeal against the aforesaid orders dated 12-09-2000 before the appellate authority, which was rejected vide order dated 31-03-2001 of the appellate authority.

From the above it may be observed that the bank had taken disciplinary action in accordance with the provisions of the BPS and no violation of any of the provisions of settlement have been put forth before the Hon'ble Tribunal.

That the contentions raised by the workman that the original PF Loan application was not produced for inspection despite his visit to the provident fund department is not tenable as all these aspects have already been looked into during the departmental inquiry.

That the Inquiry Officer vide his inquiry findings found Shri Harish Chopra (charge sheeted employee) guilty of forging the signatures of Shri R.P. Sharma, Manager, on the provident fund loan form and thereby utilized the money of TPO obtained through forged signatures on the PF Loan application. The procedures/formalities as cited by the workman cannot preclude the gross misconduct of the workman.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he was served charge sheet wherein it has been stated that since deductions from his salary exceeded more than 50% of his take home salary, his loan application was not recommended/forwarded by the Manager at the branch. The workman with an ulterior motive allegedly managed to forge the signatures of the Branch Manager, Shri R.P. Sharma, recommendation of the office working on the application form and obtained a TPO for Rs.18, 900. from the department. Inquiry was initiated against the workman for forgery of signature of Shri R.P. Sharma the then Manager.

It was further submitted further that such action of the workman according to the management constitutes acts of gross misconduct in terms of Para 19.5(J) of the BPS as amended up to date being acts prejudicial to bank's interest.

It was further submitted that the management witness MW1 has admitted in his cross examination that as per inquiry proceedings dated 08-06-1998 he was allowed to inspect the original documents. This witness has further admitted that DR was not permitted to inspect the original documents as the CSE has already inspected the same. It becomes quite obvious from the admission of MW1 that DR was authorised by the Inquiry Officer to inspect the original documents and to provide the DR attested copies of the documents required by the DR but the DR was not permitted to inspect the original documents. The inquiry vitiates when the directions of the Inquiry Officer are not followed. The Inquiry officer has specifically directed the presenting officer to provide attested copies of the documents required by the DR and to permit him to inspect the original documents. The DR has applied to the disciplinary authority for providing documents and in the light of the order of the disciplinary authority the inquiry officer directed the P.O. to provide attested copies of the documents as allowed by the disciplinary authority vide DR's letter dated 07-06-1997 but the DR has not been provided attested copies of the documents and he has not been permitted to inspect the original documents since the workman has already inspected the original documents. The management deliberately and with malafide intention did not permit the DR to inspect the original documents. The original of M3 has not been placed on the record. It was submitted by the management that it is misplaced. The CSE has been provided photocopy of the office copy. This photocopy of office copy is crossed. The management witness has admitted that M3 was crossed by the Branch Manager, Shri R.P. Sharma in the branch itself. In case Shri R.P. Sharma has crossed M3 in the office the original also should have been crossed by him. In case the loan application is crossed payment cannot be made by the PF

department as it cannot be deemed recommended by the Manager, Shri R.P. Sharma.

It was submitted that since the witness has admitted that the Branch Manager, Shri R.P. Sharma has crossed the loan application in the branch itself there is no question of it being processed and sent to the PF Loan Department. The PF Loan Department cannot sanction loan on application which is crossed by the authority having power to recommend.

It was submitted that the management witness has admitted that the original application of PF could not be traced till date. He has further admitted that the original application for PF Loan was filed in the inquiry proceedings on 08-09-1995, it was subsequently misplaced. In case the original is misplaced the management would, in every case, retain photocopy of the original application. There is no photocopy of the original loan application on the inquiry proceedings. The management has filed only photocopy of office copy. This office copy is crossed and it has been crossed by Shri R.P. Sharma the Branch Manager. In case the office copy was crossed by the Branch Manager, Shri R.P. Sharma he could not have put his signature on the office copy. The office copy bears his signature which is alleged to be forged so Shri R.P. Sharma has crossed the loan application and he should not have initialled the same. In case the application is crossed it is not recommended and it is not signed.

It was submitted from the side of the workman that he has received PF loan excess of 50% of his home take salary and the Branch Manager, Shri R.P. Sharma was accountable for that so he has crossed the PF Loan application.

It becomes quite clear from perusal of the evidence of the management witness that the PF loan application has been crossed by the Branch Manager, Shri R.P. Sharma and someone else has forged his signature. In case the PF loan application was crossed by the Branch Manager, Shri R.P. Sharma it could not have been passed for PF loan by the authorised PF authorities.

It was further submitted that the original PF application was signed by the Branch Manager, Shri R. P. Sharma and it was sent to PF department through official process and loan was granted to the workman. When it came to light that the workman has received excess of 50% loan of his home take salary the office copy was forged. In any circumstance, in case disciplinary authority has permitted the DR to respect the original PF loan application and to provide attested copies of the PF loan application and the Inquiry Officer has issued such directions to the Presenting Officer, the management should have permitted the DR to inspect the original loan application.

It was further submitted by the workman that since PF loan application was signed by Shri R.P. Sharma and his

signature was not forged the management did not permit the DR to inspect the original PF loan application and attested copies of the original PF loan was not provided to him. The management has filed only office copy of the PF loan application and a copy is only a copy and no reliance can be placed on that.

It was further submitted from the side of the workmen that MW I has admitted that there is no copy of PF loan application on the inquiry proceedings. The Inquiry Officer gave his inquiry report on the basis of oral evidence of witness as well as the photocopy of the office copy of MW3. The management witness has further admitted that PA No. is not on M3 as it is only office copy. It may be on the original application. It was submitted that the office copy is a true copy of the original and P A No. is mentioned on the photocopy as well as on the original copy.

It was further submitted that in case the original PF Loan application was not signed by the Branch Manager, Shri R.P. Sharma the TPO would have been detained by the Branch Manager. The original PF Loan application was never produced before the Inquiry Officer and it was not exhibited on the entire record of the inquiry proceedings.

It was further submitted from the side of the management that Shri Harish Chopra was the only beneficiary for the proceeds of the TPO of Rs. 18,900 of the PF loan application form. Application form on which neither the Manager nor the Office Incharge gave recommendations nor they sent it to PF department. Since Shri Harish Chopra was the beneficiary it is proved that he has forged the signature of Shri R.P. Sharma on the PF loan application form.

The workman Shri Harish Chopra has drawn an amount of Rs. 18,900 as PF loan. He has to repay the entire loan in installments along with interest. An employee who obtains loan from his PF cannot be said to be a beneficiary. That is simply a facility provided to the employees and the employees obtain loan from their PF funds.

It was further submitted from the side of the management that the workman Shri Harish Chopra has inspected the original documents. There is no specific admission of the workman. His DR has filed application for inspection of original documents and the disciplinary authority has permitted him to do so. The Inquiry Officer also directed the Presenting Officer to see that the original documents are inspected by the management did not permit him to do so. The disciplinary authority is the competent authority in such matters and respondent/management cannot sit in appeal over the orders of the disciplinary authority. It appears that with *malafide* intention the DR of the workman was not permitted to inspect the original PF loan application as it was not forged. That is why the original PF loan application has not been brought on record. Even photocopy of the original PF loan application has not been filed on the record. The management has filed the office

copy of the original PF loan application. The office copy can be tampered and it has invariably been tampered.

It was further submitted that Shri Harish Chopra has admitted in his cross-examination that he saw his original loan application form when it was despatched to the PF department. This admission of Shri Harish Chopra cannot make a photocopy of an office copy the original one. The management has not been able to explain under what circumstance the original PF loan application was misplaced. The PF loan department would have a photocopy of the original application when it is summoned by the department. The management would invariably have a photocopy of the original PF loan application but in this case even there is no photocopy of the original PF loan application.

From perusal of M3 it becomes quite obvious that the workman has applied for PF loan for Rs. 26,000 but he has been sanctioned an amount of Rs. 18,900/- only. If he has forged his application form then he should receive the entire amount prayed for i.e. Rs. 26,000. It also makes it obvious that there was recommendations of the authority concerned for payment of Rs. 18,900 only instead of Rs. 26,000. The photocopy of PF loan application has no such mention as to why in case he has applied for Rs. 26,000, Rs. 18,900 has been paid to him. This also makes it clear that there is tampering of photocopy of the office copy filed by the management.

Paper No. B-52 is the sanction of loan of Rs. 18,900. This letter has been sent to the Manager, Parliament Street branch. The Branch Manager, Shri R.P. Sharma should have detained the sanctioned loan in case his signature was forged but he has not done so. So from the filing of the PF loan application till the receipt and thereafter the management was in the knowledge of the amount of Rs. 18,900 being sanctioned but the amount was not withheld. The workman has received this payment.

It was submitted from the side of the management that two witnesses have deposed before the Inquiry Officer. Shri R.P. Sharma is the alleged signatory of the PF loan application. He has refused in the inquiry proceedings his signature on the photocopy of the office copy. Even office copy was not produced before the Inquiry Officer. The other witness examined is Establishment Incharge who was only competent to sign such loan forms. It cannot be said that he does not know the signature of Shri R.P. Sharma but during inquiry he has deposed that he could not say whose signature the disputed was. So he has not certified the signature of Shri R.P. Sharma though he is presumed to be in the know of the signature of Shri R.P. Sharma as he was the Branch Manager in that office.

It appears that the Branch Manager, Shri R.P. Sharma has taken all this exercise only when he was made accountable for sanction of loan of Rs. 18,900 above 50% take home salary.

The management has obviously concealed the original PF application form deliberately. No findings can be given on the basis of photocopy of office copy. Even the office copy was not produced before the Inquiry Officer.

In the instant case the original forged PF loan application has not been produced and no attempt has been made to trace it, if it was lost. Even a photocopy of the original PF Loan application has not been filed on the record. In case the original was misplaced, still the management would have retained its photocopy. In normal course of transactions, in case the original application is required for the purposes of inquiry a photocopy is kept in the personal file of Presenting Officer and even in the Branch.

It appears that the management has concealed and withheld the PF loan application deliberately. The original PF loan application is a material document. No reliance can be placed on office copy. The office copy is crossed so the original would also have been crossed. So there is no question of sanction of loan on the crossed original PF loan application. It is not the case of the management that the workman has sent some other PF loan application. If the original PF loan application is crossed, loan from PF Department would not have been sanctioned. There is no evidence in the inquiry that the workman has forged the signature of Shri R.P. Sharma, Branch Manager. So it is a case of no evidence. It is true that strict, sophisticated and technical rules of Evidence Act are not applicable in a departmental inquiry by the concealment of the original PF loan application is a material fact and it cannot be established in the absence of the original PF loan application that it was forged by the CSE.

Another circumstance attaining in this case is that the CSE applied for loan of Rs. 26,000 but he has been sanctioned only Rs. 18,900, so in the original application form there must be endorsement of recommending authority and it would have been passed for Rs. 18,900 only. There is no such endorsement on the office copy. The CSE has withdrawn this amount from his PF and he has to pay back the entire amount in instalments. In such circumstance it cannot be believed that he would forge the signature of the Branch Manager, Shri R.P. Sharma for receiving loan from his own account. The management has not proved the charges. Document not admissible in evidence cannot be made admissible even in departmental inquiry. The inquiry is defective. It is based on no evidence. It stands vitiated. The findings are perverse and the charge is not established. So it is liable to be set aside and it is set aside.

The reference is replied thus :—

The action of the management of Punjab National Bank, New Delhi in awarding the punishment of compulsory retirement with superannuation benefits *vide* order dated 12-09-2000 upon Shri Harish Chopra, Ex. Clerk-cum-Typist is neither just nor fair nor legal. The workman-applicant is

entitled to be reinstated with all the consequential benefits (full back wages) w.e.f. 12-09-2000. The respondent/bank is directed to reinstate the workman-applicant and to pay him the entire arrears within one month from the date of publication of the award.

Award is given accordingly.

Date: 27-07-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 17 अगस्त, 2006

का.आ. 3452.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 885 दिनांक 17-2-2006 द्वारा नाभिकीय ईंधन, संघटक, भारी पानी और संबंध रसायन तथा आणविक ऊर्जा जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 28 में शामिल हैं, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 26-2-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 26-8-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/3/97-आई आर(पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 17th August, 2006

S.O. 3452.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 885 dated 17-2-2006 the service in the Industrial Establishments manufacturing or producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals and Atomic Energy which is covered by item 28 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 26th February, 2006.

And whereas, the Central Government is of opinion that public interest required the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central

Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 26th August, 2006.

[File No. S-11017/3/97-IR (PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 3 अगस्त, 2006

का.आ. 3453.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्मेन्ट रिसर्च डेवलपमेन्ट एस्टेब्लिशमेन्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, पुणे के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-06 को प्राप्त हुआ था।

[सं. एल-14012/1/2003-आई आर(डी. यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 3rd August, 2006

S.O. 3453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Pune as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Armament Research Development Establishment and their workman, which was received by the Central Government on 3-8-2006.

[No. L-14012/1/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI G. S. WANKHEDE, PRESIDING OFFICER, THIRD LABOUR COURT AT PUNE

Ref. IDA. No. 345 of 2003

The Commandant,
ARDE, Pashan,
Pune-411008

... First Party

And

Shri Karna Vinayak Swamy,
Nathu Kadam Building,
Shivaji Chowk, Opp. Pune School
Near Water Tank, Pimple Gurav,
Pune-411027

... Second Party

CORAM : Mr. G. S. WANKHEDE

Appearances : First Party absent.
Mrs. S. S. Khare, Advocate for
Second Party

EX PARTE AWARD

(29-3-2006)

This reference is made to this Court by the Government of India Ministry of Labour/Shram Mantralaya, New Delhi U/s 10 sub-Sec. 10 (2A) (1) (d) of the I. D. Act, 1947 for adjudication of the dispute between above referred parties, over the following demand made in the Schedule.

SCHEDULE

"Whether the action of the management of Armament Research Development Establishment, Pashan in terminating the services without any notice and compensation of Sh. Karna Vinayak Swamy Attendant Helper (Officer Mess) employed in the estt. of ARDE, Pashan U/s 25 F of ID Act, is legal and justified? If not to what relief the said workman is entitled to?"

1. In short, the case of second party is that he was working in the first party as a Waiter-cum-Helper since January, 1993 till the date of his termination i.e. 23-12-2001. His last drawn wages were Rs. 1500 p.m. During his tenure he has not committed any misconduct and worked continuously for about 9 years honestly and sincerely. On 23-12-2001, he went to resume his duty, but he was not allowed to work and Mess President told him that his services has been terminated. But they did not give any reasons. Thereafter, for couple of days he went to the first party to resume his duty, but no use. Prior to termination notice, notice pay, compensation and other legal dues were not paid. No seniority list was published or displayed. Wages for the month of December, 2001 were also not paid. Thus, the action of termination is arbitrary and illegal. Since termination he is facing hardship and unable to maintain his family. As his termination is illegal, he prayed that reference be allowed accordingly.

2. The first part by his W. S. at Ex. 7 resisted the claim of second party. The first party is a self accounting unit and its employees are not Government servants. This fact is suppressed by the second party, and admitted by him in his application dt. 13-1-2002. Even though, he filed the present reference unnecessarily with a wrong submission. Hence, the reference be dismissed. The second party is not an employee of first party. There is no employer employee relationship. Second party never appointed by him on any vacancy. Therefore, question of reinstatement with continuity of service and back wages does not arise. At last, prayed that reference is absolutely false and, therefore it be answered in negative.

3. From the rival pleadings of the parties above, the issues have been framed on 5-1-2005 at Ex. 9. The issues are as under. I recorded my findings towards them with reasons to follow :

ISSUES

FINDINGS

- | | |
|---|--------------------|
| 1. Does second party established The employer employee relationship? | .. In affirmative |
| 2. Does he proves that his oral termination w. e. f. 23-12-2001 is illegal? | .. In affirmative |
| 3. Whether he is entitle to the relief prayed for ? | .. In affirmative |
| 4. What order ? | As per order below |

REASONS

4. Heard learned counsel of the second party Mrs. Khare. No oral argument from the first party.

5. In order to prove its case, the second party got examined himself on oath by way of affidavit at Ex. 8. The first party though sufficient chances were given to him failed to lead his oral evidence. Therefore, his evidence is closed by this Court vide order dated. 12-1-2006. In this way, there is no oral as well as documentary evidence from the first party.

6. Issue No. 1 :

It is contended and deposed by the second party that he was working in the first party as a Waiter-cum-Helper since 1993 till the date of his termination i.e. 23-12-2001 and having relationship of employer-employee. This part of the evidence of the second party is remained unchallenged. Moreover, the first party did not bother to got examine himself or anybody on his behalf. So also not filed any documentary evidence to falsify the contention of second party. In view of unchallenged evidence, I find that second party proved the employer-employee relationship in between the parties to the reference. Merely denying the relationship in the written statement is not sufficient to uphold the contention of the first party. I answer this issue in the affirmative.

7. Issue Nos. 2 & 3 :

It is specifically deposed by the second party that he has been terminated w.e.f. 23-12-2001 illegally and that too without due process of law. This part of the evidence again is remain unchallenged because there is no cross examination nor first party lead the evidence on his behalf. In view of 'unchallenged evidence' again. I have no alternative but to accept the entire evidence of the second party in toto. In this way, the second party proved his termination w.e.f. 23-12-2001 is illegal, therefore, entitled to the reliefs sought for. I answer Issue Nos. 2 and 3 in affirmative and pass the following order.

ORDER

1. The reference is allowed.
2. It is hereby held and declared that termination of second party w.e.f. 23-12-2001 is illegal.
3. The first party do reinstate the second party on his original post with continuity of service and to pay him full back-wages from the date of his termination till reinstatement.
4. No costs.

Pune.

G. S. WANKHEDE, Presiding Officer

Dt. 29-3-2006